THE HON'BLE THE ACTING CHIEF JUSTICE SRI DILIP B.BHOSALE,

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

AND

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

W.A.Nos.343 OF 2015, 232 OF 2012 AND 352 OF 2013

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COMMON JUDGMENT: **(per the Hon'ble The Acting Chief Justice Sri Dilip B.Bhosale)**

The order of reference dated 05.08.2015, which has occasioned the constitution of this Full Bench, has been passed by a Division Bench at the request of the learned counsel for the parties having regard to few judgments of the learned single Judges disposing writ petitions, assailing inaction of registering authorities in receiving, registering and delivering the documents presented for registration in exercise of the powers under Section 22-A of the Registration Act,1908 (for short "Registration Act"). In those judgments, various directions have been issued by the learned single Judges, which, according to the learned counsel for the parties, are either conflicting or inconsistent.

2. Along with these Writ Appeals (W.A.Nos.343 of 2015, 232 of 2012 and 352 of 2013) several other writ appeals and more than 1200 writ petitions, where similar challenge has been raised, were also listed for hearing before the Division Bench, when the reference order was passed. This Bench is informed that more than 2000 writ appeals/petitions are pending in this Court raising similar challenge awaiting adjudication.

3. The reference order dated 05.08.2015 reads thus:

> " Learned counsel appearing for the parties have jointly requested to refer this batch of writ appeals/petitions to a Full Bench. The request is made in view of the fact that there are five judgments of five learned Judges dealing with Section 22-A of the Registration Act, 1908. One of the

judgments is written by one of us (S.V.Bhatt, J). The view taken in all five judgments is not similar.

In view thereof, we direct the office to place this order before the Hon'ble the Acting Chief Justice on the administrative side for constituting a Full Bench.

It is made clear that since the questions arising from Section 22-A are framed in the five judgments, we are not framing any question as such at this stage. The questions to be considered by the Full Bench will be framed by the said Bench."

4. Before we frame the questions, to be considered by this Bench, we make it clear that we have heard not only learned counsel appearing for the parties in these three appeals, but we also allowed all Advocates appearing for parties, who desired to address the Court, in pending matters, wherein similar issues/questions have been raised, to address the Court. Most of the lawyers adopted the submissions advanced by learned Senior Counsel, including Sri D.V.Sitharama Murthy, the *Amicus Curaie*. Some of the Advocates made submissions in the light of the facts of their respective cases. We make it clear that we are not dealing with any individual case as such and we propose to decide common questions, which perhaps would help to settle legal position and to dispose of all Writ Appeals/Petitions pending in this Court. We will make brief reference to the submissions of learned Advocate Generals and other counsel for the parties, including learned Senior Counsel who made leading arguments, at appropriate stage/s, in the course of this judgment.

5. Before we look at and consider Section 22-A of Registration Act, it would be necessary and relevant to make a brief reference to the six judgments of different learned Judges dealing with Section 22-A, to which our attention was specifically invited to, so as to understand the exact nature of controversy and factual matrix against which the questions were framed and addressed therein, to enable us to frame and address the questions, covering the field of operation of this provision. The six judgments are in (i) ***T.Yedukondalu v. Principal***

Secretary to Government() [W.P.No.27752 of 2009 decided on 15.03.2011 by **Hon'ble Sri Justice P.V.Sanjay Kumar**], (ii) ***Dr.Dinakar Mogili v. State of A.P and Others***() [W.P.Nos.20050 of 2011 and Batch decided on 08.09.2011 by **Hon'ble Sri Justice Ramesh Ranganathan**], (iii) ***Guntur City house construction Co-operative Society Ltd., Guntur v. Tahsildar, Guntur Mandal and another***() [W.P.No.26566 of 2011 decided on 18.01.2013 by **Hon'ble Sri Justice L.Narasimha Reddy**], (iv) ***Raavi Satish and Others v. State of Andhra Pradesh and Others***() [W.P.No.30526 of 2012 and Batch decided on 31.12.2012 by **Hon'ble Sri Justice C.V.Nagarjuna Reddy**], (v) ***Vinjamuri Rajagopala Chary v. Government of Andhra Pradesh and Others***() [W.P.No.31409 of 2014 decided on 29.01.2015 by **Hon'ble Sri Justice P.Naveen Rao**] and (vi) ***C.Radhakrishnama Naidu and Ors v. The Government of A.P and Ors***() [W.P.No.24587 of 2014 and Batch decided on 01.06.2015 by **Hon'ble Sri Justice S.V.Bhatt].**

6. The first judgment is dated 15.03.2011 [in ***T.Yedukondalu v. Principal Secretary to Government***], whereby W.P.No.27752 of 2009 and batch was disposed of. In the first writ petition of the batch, the petitioner had assailed the action of the Sub-Registrar of Stamps and Assurances in not entertaining the documents for registration in respect of his land in Sy.No.956 of Jawahar Nagar village. It is the case of the Petitioner that he had purchased the said land in the year 2007. Being desirous of selling the said land, he had approached the registering authorities where he was informed that registration of the said land was prohibited. According to the petitioner, the said land is neither the Government land nor assigned land and that the prohibition of registration as provided for under Section 22-A of the Registration Act could not be applied to it.

6.1 As against this, according to the State, as had been stated in the counter-affidavit, the petitioner had applied for information as to the market value of his land in Survey No.956 of Jawahar Nagar Village, and he was informed that the land was Government land and, therefore, no value exists in respect thereof in the Basic Value Register. It was further stated in the counter-affidavit that

District Collector, Ranga Reddy, vide letter dated 08.07.2008, had furnished the District Registrar, Ranga Reddy, with a list of Government lands. As per the list, Survey No.956 was notified as Government land. In support, reliance was placed upon G.O.Ms.No.786, Revenue (Registration-I) Department, dated 09.11.1999. Thus, it was contended that a notification was issued under the pre-enacted Section 22-A of the Registration Act. According to the Sub-Registrar, notwithstanding the re-enacted and substituted Section 22-A of the Registration Act under A.P. Amendment Act No.19 of 2007, the notification issued under the erstwhile provision would still continue to operate. The precise contention of the State was that there is no necessity to publish a fresh notification in respect of the subject land under new Section 22-A(2) of the Registration Act, as Section 22-A(1)(b) would have application and not Section 22-A(1)(e).

6.2 While dealing with the contentions urged by the learned counsel for the parties, the learned Judge observed, in paragraphs 10 and 11, as under:-

> "10. …..**However this contention, if accepted, would mean that all lands *claimed* to be Government lands which are sold by any private party can be brought within the ambit of Section 22A(1)(b).** Such a construction would render superfluous Section 22A(1)(e) to the extent it speaks of prohibition of registration of documents pertaining to lands in which the State Government may have avowed or accrued interests.
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> 11. That, obviously, could not have been the intention of the legislature. Further, Clause (b) of Section 22A(1), on a plain reading, indicates that it relates to prohibition of registration of documents in the context of the executants thereof not being statutorily empowered to execute them. **Thus, the said clause would not have application in a case where the Government claims a particular land to be its own on the basis of revenue records or otherwise**. Had that been so, there would have been no necessity for Clause (e) of Section 22A(1) of the Act of 1908, which states that there shall be a prohibition of registration in respect of documents pertaining to properties in which the State Government has avowed or accrued interests, which would be adversely affected by such registration. **Thus, where the State Government stakes a claim that a particular land belongs to it and seeks to put in place a prohibition with regard to registration of documents in respect thereof, the same would invariably fall within Section 22A(1)(e) of the Act of 1908 alone and the Government must necessarily publish a notification under Section 22A(2) of the Act of 1908 giving full description of the property concerned**. The sanctity of such a notification is spelt out by Section 22A(3) of

the Act of 1908 which places an embargo upon the Registering Officers from registering any document falling within the ambit of the notification. In the present case, there is no dispute that no such notification has been published under Section 22A(2) of the Act of 1908 in respect of the subject land."

(emphasis supplied)

6.2.1 Further, the learned Judge, in concluding paragraphs 15 and 16, observed thus:-

"15. Viewed thus, the stand of the Respondents that the subject land in Survey No. 956 of Jawahar Nagar Village and Gram Panchayat, Shameerpet Mandal, Ranga Reddy District, should be treated as land in respect of which documents cannot be entertained for registration, notwithstanding the fact that no notification has been issued under Section 22A(2) of the Act of 1908 in respect thereof, cannot be countenanced.

16. The Writ Petition is accordingly allowed directing the Sub-Registrar, Shameerpet Mandal, Ranga Reddy District, the third Respondent, to receive, register and deliver in accordance with the due procedure the documents presented by the Petitioner in respect of the subject land. No order as to costs."

6.3 In this judgment (***T.Yedukondalu v. Principal Secretary to Government***) learned Judge rejected the case of the State that there is no necessity to publish a notification in respect of the subject land under Section 22-A of the Registration Act as Section 22-A(1)(b) would have application and not Section 22-A (1)(e). While doing so, it was observed that if the contention urged on behalf of the State is accepted, it would render superfluous Section 22-A(1)(e) to the extent it speaks of prohibition of registration of documents pertaining to lands in which the State Government may have avowed or accrued interests and ultimately directed to register the document in accordance with the due procedure.

7. The second judgment is dated 08.09.2011 [in ***Dr.Dinakar Mogili v. State of A.P and Others***], disposing of W.P.Nos.20050 of 2011 and Batch.

7.1 In this batch of writ petitions, the Petitioners are all members of Animal Husbandry Department Employees'
Co-operative House Building Society Ltd., Visakhapatnam (for short 'Society'). Land admeasuring Acs.18.78 cents was sold by the Government to the Society for Rs.11.38 Lakhs and, on receipt of the consideration, the District Collector executed a registered sale deed in favour of the Society before the 3rd Respondent vide document No.5148/2006 dated 30.10.2006. The Society claims that they developed the land thereafter and laid several plots therein. The Petitioners were allotted and sold different plots in the land purchased by the Society from the Government. The Society executed sale deeds in their favour which were presented before the 3rd Respondent for registration. By his order dated 29.07.2010, the 3rd Respondent refused to register the sale deeds on the ground that in the year 2007 the District Collector had informed the Revenue Divisional Officer to take back the land conveyed earlier to the Society and hand over the same to VUDA; and that VUDA would allot alternate land to the Society. The registration was also refused stating that the Deputy Registrar of Co-operative Societies had issued orders in ARC No.1 of 2010-11 that the title and possession of the land was in dispute.

7.1.1 Aggrieved thereby, the Petitioner preferred an appeal under Section 73 of the Registration Act bearing appeal No.16/10. The appeal was dismissed vide order dated 29.09.2010 holding that since the Government was keen on taking back the land that was alienated to the Society earlier and it has implicit interest in the land, it was the bounden duty of the registering authority to safeguard the interests of the Government. Further, it was a mandatory stipulation for registration that the layout should be approved by VUDA; and, since the Society had not complied with the same, the sale could not be registered.

7.2 The contention of the State, as per the counter affidavit filed by the District Registrar, is that though the Government land was purchased by the Society, possession thereof to the extent of Acs.18.78 cents in Sy.No.133 was taken back by the District Collector and possession was handed over to VUDA by the

Revenue department on 24.01.2007, in compliance with the orders of the District Collector dated 20.01.2007. It was further stated that VUDA, in turn, would allot suitable lands to the Society from other lands handed over to it by the Revenue Department. On this ground it was further stated that sale deeds cannot be registered in view of the prohibition under Section 22-A of the Act and that registration had rightly been refused. Similarly, it was stated that the Deputy Registrar of Co-Operative Societies had issued notice dated 22.07.2010 to the President of the society for considering the motion of no confidence against the President, who had executed the sale deed on 26.07.2010, after initiation of no confidence motion, could not register the said document.

7.3 While dealing with the contentions urged by the learned counsel for the parties, the learned Judge held, in paragraphs 10 to 13, held thus:-

> " 10. The only provision which prohibits the Registering authority, from registering the document presented for registration, is under Section 22A of the Registration Act. Under Section 22A(1)(b) documents relating to the sale of property, in respect of immovable property owned by the State or Central Government if executed by persons other than those statutorily empowered, cannot be registered. On being asked whether it is the case of the Respondents that registration of the sale deed by the District Collector on 30.10.2006, falls within the ambit of Clause (b) of Section 22A (1), Learned Government Pleader for Revenue would fairly state that it is not. He would submit that it is only the sale deed sought to be registered by the President of the society on 22.07.2010, in favour of the Petitioners herein, which falls within the ambit of the said provision. **Section 22A(1) (b) applies only to immovable property owned by the State Government and, since the Government had itself alienated the said land by way of a sale deed in the year 2006, it ceased to be the owner of the said land and, consequently Section 22A(1) (b) of the Act has no application thereafter**.
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> 11. It is necessary to note that Section 22-A (1) (e) prohibits registration of documents pertaining to the properties in which, among others, the State Government has an avowed or accrued interest and which the State Government has, by notification, prohibited registration of. **If, as contended by the Respondents, the State Government has implicit interest in the said property, the only manner in which registration of documents can be prohibited is by issuing a notification under Section 22A(1)(e) of the Act**. No reference is made in the counter affidavit to any notification having been issued by the State Government under Section 22A(1)(e)of the Act. **In the absence of a notification being issued by the State Government, in exercise of its powers under Section 22A(1)(e) of the Registration Act, the question whether the State Government has an avowed or accrued interest does not necessitate examination**.

12. In any event, mere registration of a conveyance deed neither creates title in the transferee, nor would it come in the way of Government in asserting its right of availing the appropriate remedy to assert its title to the land, and claim the property back, in accordance with law. (Madiga Papamma v. State of Andhra Pradesh [2011 (2) ALD 487]). Registration of the sale deed dated 22.07.2010 would not prevent the Government, if it so chooses, from initiating appropriate proceedings before a competent Civil Court for cancellation of the sale deed, executed by it earlier in favour of the "Society", in accordance with law. That, however, does not justify the action of the 3rd Respondent in refusing to register the document in question. As the provisions of Section 22A of the Act are not attracted, the order of the 2nd Respondent confirming the order of the 3rd Respondent is patently illegal and without jurisdiction.

13. The impugned order of the 2nd Respondent, confirming the order of the 3rd Respondent, is set aside. The 3rd Respondent shall, in accordance with the observations made hereinabove and if the document otherwise satisfies all legal requirements, consider registration of the document strictly in accordance with the provisions of the Indian Stamp Act, the Registration Act and the Rules made there under. The entire exercise in this regard shall be completed within a period of two months from today. All these Writ Petitions stand disposed of accordingly. However, in the circumstances, without costs.

(emphasis supplied)

7.4 In this judgment (***Dr.Dinakar Mogili v. State of A.P and Others***) the learned Judge, in short, held that issuance of notification is necessary if the land is covered by clause (e) of Section 22-A of the Registration Act and that clause(b) thereof applies only to immovable property ‘owned’ by the State Government. In other words, Section 22-A (1)(e) prohibits registration of documents pertaining to the properties in which, among others, the State Government has an avowed or accrued interest and which the State Government has, by notification, prohibited registration of such properties.

8. The third judgment, dated 18-01-2012 [in ***Guntur City House Construction Cooperative Society Limited, Guntur v. Tahsildar, Guntur***] disposed of W.P.No.26566 of 2011.

8.1 In this writ petition, the petitioner is a Co-operative Housing Society. It has

acquired properties in various survey numbers of Koritapadu Village, Guntur Mandal. The land purchased is said to have been converted into plots by obtaining necessary permission and clearance from the authorities concerned. The petitioner intended to execute sale deeds in favour of its members by transferring the plots so carved out. The petitioner, accordingly, approached the Sub-Registrar seeking necessary information for the purpose of presenting the documents for registration. In the process, the Sub-Registrar furnished a copy of the proceedings dated 30.08.2010 issued by the Tahsildar through which a list of endowment lands of Koritapadu Revenue Village of Guntur Mandal was furnished. Some of the properties acquired by the petitioner figured in the list. Since the inclusion of those lands would attract prohibition contained in Section 22-A of the Registration Act, as amended by the A.P. State Legislation, the petitioner challenged the proceedings dated 30.08.2010 issued by the first respondent.

8.2 The contentions of the State, as submitted by the learned Government Pleader for Revenue on behalf of the respondents, are that once the first respondent had furnished a list of endowment properties within his jurisdiction, the prohibition contained in sub-section (1)(c) gets attracted and that it is not necessary for the State Government to issue any notification. He had submitted that in case, the petitioner is of the view that inclusion of certain lands in the impugned proceedings is not correct or improper, the only course open to it is to avail the remedy under Section 87 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

8.3 While dealing with the contentions urged by the learned counsel for the parties, the learned Judge, in
paragraphs 5 to 7, stated thus:-

> " 5. From a perusal of this [Section 22-A (new)], it becomes clear that the prohibition gets attracted straight away in respect of lands that fall into sub clauses (a) to (d) of Sub-
> Section (1). **It is only in respect of lands falling into sub clause (e) that publication of a notification becomes necessary for the prohibition to**

operate.

6. The reason-underlying clause (e) of Sub Section (1) and Sub Section (2) is manifest. The prohibition against registration of documents pertaining to a) the lands, whose transfer is prohibited under law b) lands owned by State or Central Government c) lands owned by religious institutions or surplus lands and, d) the lands that are rendered surplus, gets attracted straight away. **A totally different purpose is sought to be achieved in respect of lands mentioned in clause (e). This category does not include lands not owned by State or Central Government or Religious or Educational Institutions**. It is in respect of properties, vis-à-vis which accrued or existing interest of the Government or its agencies are involved. **In other words, even though a particular land or property may not be owned by the Government or institutions mentioned in that clause, the prohibition can be made to operate, in case such properties are under lease or other use by the said institutions or establishments.** It is only in such cases, that issuance of notification is necessary, for the prohibition, to operate. It is a different matter that the aggrieved party may challenge the notification, if issued. As regards the properties covered under clauses (a) to (d) of Sub Section (1), no such notification is necessary.

7. If the petitioner wants to assail the correctness or legality of the impugned proceedings, it can certainly avail the remedy under Section 87 of the Endowments Act before the Tribunal constituted for that purpose."

(emphasis supplied)

8.4 In this judgment (***Guntur City House Construction Cooperative Society Limited, Guntur v. Tahsildar, Guntur***) it was held that clause (e) of sub-section (1) of Section 22-A covers the properties wherein the Government has accrued or avowed interest. In other words, it is held that even though a particular land or property may not be owned by the Government or institutions mentioned in that clause, the prohibition can be made to operate, in case such properties are under lease or other use by the said institutions or establishments and it is only in such cases, that issuance of notification is necessary, for the prohibition, to operate.

9. The fourth judgment is dated 31.12.2012 [in ***Raavi Satish and Others v.***

State of A.P and Others] which disposed of W.P.Nos.30526 of 2012 and batch.

9.1 Broadly, these cases arose on account of the action of the Registering Officers of the Registration and Stamps Department in different parts of the State of Andhra Pradesh in not receiving and registering sale deeds or other documents executed for transfer of immovable properties. The acts of refusal are based on different reasons. When some of these cases came up before the learned single Judge, it was noticed that there is an alarming rise in the number of cases being filed with the complaint of non-registration of the properties in recent times. It was further noticed that most of the cases of refusal to register are due to reasons, which this Court, on many earlier occasions, held as unsustainable and falling outside the scope of the provisions of Section 22-A of the Registration Act and that even though the law is well settled on several aspects, the Registering authorities have been again and again raising the same objections for registration of the properties which were earlier rejected by this Court. As the spate of the litigation was continuing unabated, as evident from the fact that in the year 2012 itself, as many as 3360 writ petitions, which constitute almost 10% of the total number of writ petitions filed in that year, the learned Judge of this Court felt that it is high-time that a quietus must be placed on this unnecessary and avoidable litigation. Therefore, a detailed interim order was made on 14.11.2012 broadly classifying the cases based on the reasons for rejection to register the properties and the Principal Secretary (Revenue) was directed to lay down specific criteria to be followed by the Sub-Registrars in the State based on the decided case law.

9.2 Then a counter-affidavit was filed by the Principal Secretary, Revenue Department, on perusal of which the learned Judge had expressed dissatisfaction as the Principal Secretary has sought to point out that he has no control over the Registration and Stamps Department, which is headed by a separate Principal Secretary and without whose involvement it is not possible to lay down guidelines. The batch of cases were then adjourned with the direction to both the Principal Secretaries of Revenue and Revenue (Stamps & Registration) Departments to make a joint exercise for framing the guidelines.

On that a further affidavit was filed by the Principal Secretary to the Government, Revenue Department, wherein he has *inter alia* requested for an adjournment by stating that as per A.P. Government Rules and Secretariat Instructions, the issues pertaining to policy decisions, which have administrative importance, have to be circulated to the Chief Minister. As the learned Judge of this Court was convinced that in view of the settled legal position on various aspects it was quite unnecessary for the issues to undergo the above mentioned process suggested by the Principal Secretary, Revenue Department, and instead this Court itself can pronounce a Judgment in the light of the well settled legal position and the cases were heard.

9.3 On the direction of the learned Judge of this Court, the learned Government Pleader categorized the cases on the basis of the nature of the reasons for refusal to register the properties and furnished the list to the Court. The reasons for the refusal to receive and register the documents by the Registering authorities/Sub-Registrars are as follows:

> (a) that the Re-Settlement Register (RSR) contains dots against the column "owner/occupant of the land";
>
> (b) that the Registers maintained by the Revenue Department have described the lands as Assessed Waste Dry (AWD);
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> (c) that the lands are assigned lands; and
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> (d) that the lands belong to the Hindu Religious or Charitable Endowments, Wakfs, Christian Missionaries and Local Bodies.

9.4 In this backdrop, the learned Judge, after considering the questions that fell for his consideration, in depth, in paragraphs 34 to 36, issued various directions which read thus:-

> " 34. In order to see that the litigation of this nature is curbed once and for all, I feel it not only appropriate, but also imperative to issue the following directions, which shall be of general application throughout the State of Andhra Pradesh and govern all transactions of registration, to take place in future:

(A) **The Registering officers shall not insist on production of NOCs** as a condition for receiving the documents for registration.

(B) The Registering officers shall not refuse to receive the documents for registration only on the ground that the properties were included in the prohibitory lists sent by the Revenue authorities, for reasons such as that the ownership column of the RSR contains dots, or that the lands are shown as AWD lands in the Revenue Records or that the lands are assigned lands.

(C) **In cases of entries in RSRs containing dots or describing the lands as AWD, unless a notification has been issued under Section 22-A(2) of the Act, the Registering officers shall not refuse to receive and register the documents**. The registration of such documents, however, shall be without prejudice to the right of the Government and its functionaries to initiate appropriate proceedings for recovery of possession of the properties covered by such documents, if in their opinion they belong to the Government.

(D) In cases of assigned lands, if there is clear proof to the effect that such **assignments were made prior to the issuance of G.O.Ms. No. 1142, dated 18-6-1954 in the Andhra Area and G.O.Ms. No. 1406, dated 25-7-1958 in the Telangana Area, the Registering officers shall receive and register the documents, notwithstanding the fact that the properties were included in the prohibitory lists sent by the Revenue authorities**. In respect of the documents involving properties assigned subsequent to the issuance of the above mentioned G.Os., in view of the embargo contained in Section 5(2) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, the Registering officers shall make an endorsement while refusing to receive the document specifying the reason. If the parties feel aggrieved by such orders, they are entitled to avail appropriate remedy as available in law.

(E) **Wherever there is no specific evidence** that assignments of lands were made subsequent to the issuance of G.O.Ms. No. 1142, dated 18-6-1954 in the Andhra Area and G.O.Ms. No. 1406, dated 25-7-1958 in the Telangana Area, **benefit of doubt should be extended in favour of the parties who intend to transfer the lands.** In such cases, the Registering officers shall write to the Revenue authorities to produce proof of the fact that the assignments were made subsequent to 18-6-1954 or 25-7-1958, as the case may be, within a stipulated time. If within such time, the Revenue authority concerned fails to send such proof, the Registering officers shall register the documents.

(F) **In cases of documents pertaining to assignments made to Ex-servicemen and Freedom fighters, the Registering officers must consider whether ten years period has expired from the date of assignment and shall register the documents if the said period has expired**. In other cases, the Registering officers shall pass an order under Section 71 of the Act and communicate the same to the parties concerned.

(G) **In cases pertaining to assignments made to Political Sufferers**, the assignees or the persons claiming through them are entitled to transfer the lands by sale or otherwise without any restrictions **and the Registering officers shall receive and register the documents whenever they are presented.**

(H) **Where assignments are made on payment of market value, the Registering officers shall not refuse to register unless the assignment deed stipulated any period during which the land shall not be sold and the stipulated time has not expired.**

(I) In cases of alienation of properties which are claimed to belong to Religious and Charitable Endowments falling under the A.P. Hindu Religious Institutions

and Endowments Act, 1987, or Wakfs falling under the Wakfs Act, 1995, unless relevant material is available before the Registering officers to show that they are owned by such Institutions, registration of the documents shall not be refused. Even if evidence is available to show that the properties sought to be alienated belong to the Institutions referred to above, the Registering officers shall receive the documents, pass orders assigning reasons for rejection and communicate the same to the parties concerned, who shall be free to assail such orders by availing the remedy of appeal under Section 72 of the Act.

(J) In cases where notifications are issued under subsection (2) of Section 22-A(1) of the Act prohibiting registration of the documents pertaining to the properties falling under clause (e) of sub-section (1) of Section 22-A of the Act, the Registering officers shall make an endorsement while refusing to receive the document specifying the reason for such refusal. Needless to observe that if the parties feel aggrieved by such rejection orders, they can avail appropriate remedies as available in law.

The above directions shall bind all the Revenue authorities and the Registering officers in the State of Andhra Pradesh, irrespective of whether they are parties to this batch of Writ Petitions or not. **Violation of the above directions by the officers concerned will be viewed as contempt of Court. If such instances come to the notice of this Court, it may exercise the option of initiating contempt proceedings *suo motu* against such officers even though they are not parties to these cases**.

35. The Principal Secretaries of the Departments of Revenue and Revenue (Registration & Stamps), Government of Andhra Pradesh, shall circulate this Judgment to the officers under their respective jurisdictions under separate circulars to be issued in this regard.

36. As a sequel to disposal of the Writ Petitions, all the pending miscellaneous applications filed for interim relief in these Writ Petitions, are disposed of as infructuous."

(emphasis supplied)

9.4.1 It would be relevant to notice the observations made by the learned Judge in paragraph 11 of this judgment, which read thus:-

"11. **Where a notification as envisaged under sub-section (2) of Section 22-A of the Act is issued, the Registering authority has no option except to refuse to register the document in view of the prohibition contained in sub-section (3) thereof**. However, in the absence of notification, even if any communication is sent by the Revenue authorities claiming the land as belonging to the Government, such a communication does not bind the Registering authority. **The Registering authority can, at best, consider whether any material in support of the claim of the Revenue Department is available and take appropriate decision under Section 71 of the Act after considering the material that may be submitted by the party presenting the document to substantiate his plea that the land is a private land**. In the absence of a notification, the Registering officer cannot refuse to receive the document by elevating the status of the 'prohibitory lists' sent by the Revenue Department to that of statutory notifications issued under sub-section (2) of Section 22-A of the Act."

(emphasis supplied)

9.5 In this judgment (***Raavi Satish and Others v. State of A.P and Others***) the learned Judge has extensively dealt with the properties in respect of which entries in Re-Settlement Register (RSR) contain dots or describe such properties/lands as Assessed Waste Dry (AWD) and so also the assigned lands and issued directions as to how registering authorities should deal with the documents when presented for registration in respect of such properties. The learned Judge has also dealt with the properties belonging to Religious, Charitable Endowments and Wakfs falling under the A.P. Hindu Religious Institutions and Endowments Act, 1987, and Wakfs Act, 1995, respectively and issued directions as to how to deal with the documents presented for registration in respect of such properties. Issuance of notification under sub-section (2) of Section 22-A is held to be mandatory and where a property is covered by the notification, it is observed that registration of such a document can be refused by the Registering Authority.

10. The fifth judgment dated 29.01.2015 [in ***Vinjamuri Rajagopala Chary v. Government of A.P and Others***] disposed of W.P.No.31409 of 2014.

10.1 According to the petitioner in this writ petition, the land to an extent of Acs.4.64 cents in Sy.No.91 of Harischandrapuram Village is his ancestral property and the same has been in his possession and enjoyment for more than 90 years. After the demise of his father, he succeeded to the property and that pattadar pass books and title deeds were issued in his favour on 20.02.1996. Since the petitioner intended to dispose of the said property, he approached the Sub-Registrar, Amaravathi, to ascertain the market value and stamp duty and at that time he was informed that the Commissioner and Inspector General of Registration and Stamps vide Memo G1/7106/2014 dated 20.08.2014 circulated a list of prohibited lands and that Survey No.91 is also included and that the same is shown as belonging to Sri Venkateswara Swamy Temple (6^{th} respondent) and, therefore, he cannot entertain any document with respect to the land in Sy.No.91.

10.2 The contention of the State is that the respondent-Temple is a public institution as per Section 6(c) of A.P. Charitable and Hindu Religious Endowments Act, 1966 (for short 'Endowment Act'). The subject property is included in the property register maintained under Section 38 of Act 17/66 (corresponding provision is Section 43 of Act, 1987). The register shows that an extent of Acs.11.60 cents in Sy.No.91 was endowed. Once such an entry is made in the register, the same shall be presumed to be genuine unless the contrary is proved. The entry made in the statutory register has not been challenged by any person including the petitioner. What is communicated by the Commissioner and Inspector General of Registration and Stamps is reiteration of the status of the property as endowment property. If petitioner disputes the status of the property, as reflected in the statutory register, he has to avail the effective remedy as available under Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act, 1987') and that the writ petition is not maintainable when the petitioner has effective and efficacious remedy available under the Act, 1987. In support of the said contention, learned standing counsel placed reliance on the decisions of this Court in W.A.No.500 of 2012, dated 09.10.2012 and W.P.No.26566 of 2011, dated 18.01.2012. It was further contended that Andhra Pradesh (A.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1956 was amended by Amendment Act 16/2013 and is retrospective in operation. According to the Amendment, pattas granted for the service inams burdened with service should be deemed to have been null and void and no effect can be given to the pattas in that manner.

10.3 While dealing with the contentions urged by the learned counsel for the parties, the learned Judge observed, in paragraph 18, thus:-

> " 18. The decisions relied upon by the petitioner do not come to the aid of the petitioner. In the facts of this case, as successfully contested by the 6th respondent-temple, as per the Resettlement Register of the Village, the land is classified as 'temple Adyapaka Service' and as per the provision of Section 4(4) of the Act, 1956, no ryotwari patta can be granted and even if it is already granted, it is null and void and property continues to be vested in the institution. Thus, as per the material on record, the property continues to vest in the 6th respondent temple. Therefore, petitioner cannot claim, merely on the

> factum of his possession or the earlier inam granted to his ancestors for the service rendered by them, to contend that he is the owner and entitled to alienate. Thus, in the facts of this case, the petitioner is not entitled to relief prayed by him and writ petition is liable to be dismissed and it is accordingly dismissed. However, it is left open to the petitioner to ascertain his title by due process of law and any observations made in the writ petition do not come in the way in adjudicating the claim of the petitioner on the title to the property in issue."

10.4 In this judgment (***Vinjamuri Rajagiopala Chary v. Government of A.P and Others***) the land involved was classified as 'Temple Adyapaka Service' as per the provisions of Section 4(4) of the Andhra Pradesh (A.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1956. In view thereof, it was observed that no ryotwari patta can be granted and even if it is already granted, it is null and void and property continues to be vested in the institution and, therefore, the factum of possession or earlier inam granted in favour of the person, who claims ownership, is of no significance and one cannot claim ownership and registration of documents in respect of such property is prohibited.

11. The sixth judgment dated 01.06.2015 in ***C.Radhakrishnama Naidu and Ors v. The Government of A.P and Ors*** disposed of W.P.No.24587 of 2014 and batch.

11.1 The case of the petitioners in the first writ petition was that Sy.No.242 is a private patta land and there was a suit filed by one Sannadhi Muni Reddy against one M.K.Ramaswamy Ayyangar and others for recovery of amount due under a mortgage deed in respect thereof. The suit was decreed and the property was put to execution. The decree holder purchased the said property and sale certificate was also issued in favour of Muni Reddy. It appears that from the year 1957 onwards, the said land had been subjected to series of registered transactions of sale and purchase as private patta land. According to the petitioners, it was a private property or patta land of Muni Reddy. It was developed into residential lay out and sold to several persons as house plots.

The petitioners also purchased house plots and presented documents covering four plots for registration. The registering authority though received the documents refused to register the sale deeds on the ground that the Administrative Officer of Sri Hatiramjee Mutt and Manager of Bugga Mutt had informed the registering authorities that the Commissioner of Endowments, Government of A.P, intimated the details of various immovable properties held by Religious or Charitable Institutions within their jurisdiction and requested them not to register the documents covering the properties appended in the list to their covering letter dated 19.04.2010. The petitioners complained against inclusion of the said land as property belonging to the Mutt/Institution. In short, the legal objection as stated by the petitioners is that unless a notification under Section 22-A(2) is issued, prohibition or refusal to register the property is illegal and unauthorized.

11.2 According to the respondents, in the said writ petition, the Great Vaishnav Saint Sri Hatiramjee Bavaji established Mutt at Tirupathi and Tirumala with the objectives to provide free of cost shelter and food to pilgrims, Sadhus and Sanyasis and for the administration or discharge of avowed obligations undertaken by Mutt, received gifts of movable and immovable properties from the devotees of Lord Balaji. The Mutt had accordingly received donations of agricultural lands and claimed possession of various properties. Be that as it may, we do not wish to enter into further factual matrix.

11.3 In these petitions, after dealing with the arguments, in para-114, the learned Judge, recorded his conclusion and issued directions, which read thus:-

> "(1) For the reasons stated supra, this Court is in agreement with the ratio laid down in Guntur City Housing Construction Cooperative Society's MANU/AP/0038/2012:2012(2) ALD 332 (supra) and P.Srinivasulu's case MANU/AP/0634/2012 : 2012 (6) ALD 260 (supra) **that a notification is not required for the prohibition contemplated under Section 22-A(1) (a) to (d) of the Act** and a notification under Section 22-A (2) is required for the purposes of Section 22-A(1) (e) of the Act.
>
> (2) Refusal to receive or take up a document presented for registration amounts to abdication of functions assigned to the Registration Department under the Act.

(3) The Act strikes at the documents, but not at the transactions. **Mere act of registration on legal maxim nemo dat quod non habet does not transfer or create a right in favour of a party than what the vendor or executant possesses**.

(4) Total prohibition from registration of a document results in anomalous situation or in the working of the Registration Act. Without adjudication of an alleged fact-in-issue contrary to other applicable enactments on Transfer of Property amounts to adjudication of disputed claims through executive fiat and would be contrary to Article 300-A of Constitution of India. **Therefore, the words prohibition for registration or prohibited from registration are interpreted or construed to mean that the registration and the caveat of interest or claim for prohibition received by the Registration Department from Government/ Endowment/Wakf etc. under Section 22-A (1) and (2) of the Act are endorsed on the document by the Registration Department, as the case may be. To wit for giving effect to Section 17(1) and Section 22-A of the Act, the Registration Department while considering a document attracting Section 22-A of the Act, registers and endorses the details or caveat of interest on the property, received from Government/Endowment/Wakf etc. The registration along with such endorsement on the document achieves the object of Prohibition of Registration of a document under Section 22-A of the Act and puts the purchaser or beneficiary on notice of such claims**.

(5) The notification, even if published and forwarded to Registration Department, has the same meaning and purpose as interpreted for Section 22-A (1) (a) to ((d) of the Act and the details are taken note in the same manner by including the details of notification in the registration.

(6) **The Government/Endowment/Wakf, as the case may be, is under legal obligation to furnish comprehensive details of properties held by these entities for all the purposes of Section 22-A (1) of the Act**. The State/Departments shall follow the procedure prescribed in G.O.Ms.No.1248 Revenue (Reg.I) Department dated 26.09.2007 and furnish full details of properties to Registration Department within a period of eight (8) weeks from the date of receipt of copy of this order to the Registration Department. The communication impugned can be treated as an illustrative form of sufficient communication of details of property and the respondents are directed to further develop and implement a uniform procedure for forwarding details by the State/Departments under Section 22-A of the Act to Registration Department.

(7) The authorities under the Endowment Act/Wakf Act are Trustees/Custodians of properties held by the institutions, and unfortunately feel satisfied with literal performance of functions by communicating bare minimum details to the registration department. The lack of effort in protecting the properties held by institutions is matter of introspection and necessary steps are taken in accordance with law on case to case basis. The recourse to Section 22-A by the Department is not an effective step in protecting the properties held by institutions under the Endowment Act/ Wakf".

(emphasis supplied)

11.4 In this judgment (***C.Radhakrishnama Naidu v. The Government of A.P***) the learned Judge held that a notification is not required for the prohibition contemplated under Section 22-A (1) (a) to (d) of the Registration Act. He further held that for giving effect to Section 17(1) and Section 22-A of the Registration Act, the Registrar/Sub-Registrar while considering a document attracting Section 22-A, shall register the same with an endorsement on the document giving details or caveat of interest on the property, received from Government/Endowment/ Wakf etc. According to learned Judge, such an endorsement on the registered document shall achieve the object of prohibition of registration of a document under Section 22-A of the Registration Act and shall also put the purchaser or beneficiary on notice of such claims.

12. The first Writ Appeal (W.A.No.343 of 2015) in which reference to this Bench is made is arising from the judgment in ***Vinjamuri Rajagiopala Chary,*** the 5th judgment referred to above. The second appeal (W.A.No.232 of 2012) is arising from the judgment in ***Raavi Satish***, the 4th judgment referred to above; and the third appeal (W.A.No.352 of 2013) is arising from the judgment in ***T.Yedukondalu,*** the 1st judgment referred to above. There are several such appeals arising from all six judgments pending before the Division Bench and they were all placed before the Division Bench when the reference order was passed. The Appeals and writ petitions, which were placed before the Division Bench when the reference order was passed, were thereafter identified and were listed along with the three Writ Appeals so as to enable the learned counsel appearing for the parties in those matters also to address on the questions framed by us.

13. In the batch of writ appeals/petitions before us, parties to the documents, viz., sales deeds, conveyances, deeds of transfers etc. relating to immovable properties presented for registrations, have assailed the actions of the Registrars/Sub-Registrars concerned in not receiving, registering and delivering the documents in exercise of the powers under Section 22-A of the Registration Act. According to the State, the documents presented for registration in all the cases, would invariably fall within the compass of one of

the clauses (a) to (e) of Section 22-A (1) of the Registration Act, which prohibited the Registering Authority from registering the documents so presented. In short, the case of the State is that the registration of documents in all these cases is prohibited in view of the provision contained in Section 22-A of the Registration Act.

13.1 On the other hand the common contentions of the parties to the documents in these matters, though are different on facts, are that sub-section (1) of Section 22-A with its clauses (a) to (e) is being made applicable to the documents that are either not covered by any of the clauses or that the clauses of the said sub-section are being enforced without following the due procedure contemplated by law and that the provision of law in many cases is being made applicable in an arbitrary, whimsical, unpredictable and capricious manner and in most of the cases the properties which are subject matters of the schedule/s of the document/s presented for registration are not at all covered by any of the clauses of sub-section (1) of Section 22-A or do not fall within any of the prohibited categories mentioned therein, and still the said provision is being pressed into service.

13.2 In this backdrop, we proceed to frame the following questions for consideration:

> **"1. What are the pre-requisites that are to be satisfied for applying any one or more of clauses (a) to (e) of Section 22-A (1) of the Registration Act to any document dealing with alienation or transfer by way of sale, agreement of sale, gift, exchange or lease etc. in respect of immovable property presented for registration?**
>
> **2. Under what circumstances, the act of the Registering authority concerned (District Registrar or Sub-Registrar) in refusing from registration of the aforementioned document/s by applying any one or more of the prohibitory clauses (a) to (e) under Section 22-A (1) of the Registration Act can be said to be justified?"**

13.3 In the course of hearing, several incidental questions were raised to which

we propose to make a reference at appropriate stage/s.

14. We have heard Mr.P.Venu Gopal, learned Advocate General for the State of Andhra Pradesh, Mr.J.Ramachandra Rao, learned Additional Advocate General for the
State of Telengana, Mr.D.V.Seetharam Murthy, the *amicus curiae*, and several learned Senior Counsel viz., Mr.C.V.Mohan Reddy, Mr.S.Satyanarayana Prasad, Mr.Venkata Ramana Vedula, and advocates on record for the writ petitioners/private parties, who desired to address the Court on the above questions. With their assistance we have perused the entire materials placed before us, gone through the relevant provisions of law, in particular to which our attention was specifically drawn, and the judgments relied upon by them in support of the submissions.

15. The arguments advanced by the learned counsel for the parties were centered around Section 22-A of the Registration Act and we have heard them at considerable length on each of the clauses of sub-section (1) and
sub-sections (2) to (4) thereof. Before we consider Section 22-A and deal with the arguments advanced by the learned counsel for the parties, it would be necessary to look into the Registration Act as a whole and few provisions in particular, which may be relevant for our purpose.

15.1 The Registration Act was enacted to consolidate the enactments relating to registration of documents. Prior to enactment of the said Act, the provisions relating to registration of documents were scattered in different enactments. The Registration Act was enacted in terms of Entry-18 List-II and Entry-6 List-III of the Seventh Schedule of the Constitution of India. It mainly deals with the necessity of getting a document registered in India so as to make them valid and even if they are executed outside India to provide for registration thereof after their first arrival in India. *(See* ***State of Rajasthan v. Basant Nahata*** *[(2005) 12 SCC 77])*. Intention of the legislation was to provide orderliness, discipline and public notice in regard to the transactions relating to immovable property and protection from fraud and forgery of documents of transfer. This is achieved by

requiring compulsory registration of certain type of documents and providing for consequences of non-registration.

15.2 The Supreme Court in ***Suraj Lamp & Industries (P) Ltd. v. State of Haryana***() had an occasion to deal with few provisions of Registration Act and of other relevant enactments. What the Supreme Court observed in paragraph-18 is relevant for our purpose to understand importance of registration of documents, which reads thus:

> "**18.** Registration provides safety and security to transactions relating to immovable property, even if the document is lost or destroyed. It gives publicity and public exposure to documents thereby preventing forgeries and frauds in regard to transactions and execution of documents. **Registration provides information to people who may deal with a property, as to the nature and extent of the rights which persons may have, affecting that property. In other words, it enables people to find out whether any particular property with which they are concerned, has been subjected to any legal obligation or liability and who is or are the person(s) presently having right, title, and interest in the property**. It gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them. **It ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under the said Act) as a full and complete account of all transactions by which the title to the property may be affected and secure extracts/copies duly certified**." (*emphasis supplied*)

15.3 It would also be relevant to know the background against which old Section 22-A was substituted by Act 19 of 2007. The old Section 22-A reads thus:

> "22-A. Documents registration of which is opposed to public policy:- (1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy.
>
> (2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable."

15.4 The old Section 22-A, as it stood prior to its substitution by Act 19 of 2007, was struck down by this Court in W.P.No.14099 of 2003 & batch following the judgment of the Supreme Court in **Basant Nahata** (supra) wherein Section 22-A of the Registration Act, in its application to the State of Rajasthan, was struck down. We are making reference to this old Section only to bring on record the background against which new Section 22-A was introduced in the place of old

22-A by Act 19 of 2007. It is also made clear that constitutionality of the new Section 22-A of Registration Act is not the subject matter of the present reference.

15.5 The old Section 22-A, in its application to the erstwhile State of Andhra Pradesh, had been incorporated by Act 4 of 1999 to empower the Government to notify registration of such documents or class of documents as opposed to public policy and to reject their registration, as stated earlier. It was struck down on the ground that the public policy was not defined precisely. We have, therefore, also looked into the Object & Reasons, set out in the Statement of Object and Reasons, for substitution by Act 19 of 2007. The relevant portion of the Statement of Object & Reasons reads thus:

> "In order to overcome the deficiencies as observed by the Hon'ble High Court keeping in view of the observations of Supreme Court and to avoid the illegal transactions of transfer of property relating to Government, Religious and Charitable Institutions, etc., it has been decided to amend the Registration Act, 1908 suitably by specifying the classes of documents prohibiting them from registration.
>
> It has also been decided to validate the notification declaring a class of documents as opposed to public policy and consequently refusal of the same for registration during the period from 01.04.1999 to the date of the commencement of the present Amendment Act by inserting a validation provision."

15.6 It is well settled that the Statement of Object & Reasons play a very significant role in understanding the legislative intent. In ***State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat***() the Supreme Court while considering the significance and role of the Statement of Object & Reasons, not only in understanding the intent of the Legislature but in interpreting the provisions of an enactment, in paragraph-69 observed thus:

> "**69. Reference to the Statement of Objects and Reasons is permissible for understanding the background, antecedent state of affairs in relation to the statute, and the evil which the statute has sought to remedy.** (See *Principles of Statutory Interpretation* by Justice G.P. Singh, 9th Edn., 2004, at p. 218). In *State of W.B.* v. *Subodh Gopal Bose 1954 SCR 587: AIR 1954 SC 92* the Constitution Bench was testing the constitutional validity of the legislation impugned therein. The Statement of Objects and Reasons was used by S.R. Das, J. for ascertaining the conditions prevalent at that time which led to the introduction of the Bill and the extent and urgency of the evil which was sought to be remedied, in addition to testing the reasonableness of the restrictions imposed by the impugned provision. In his opinion, it was indeed very unfortunate that the Statement of Objects and Reasons was not placed before the High Court which would have assisted the High Court in arriving at the right conclusion as to the reasonableness of the restriction imposed. *State of W.B.* v. *Union of India (1964) 1 SCR 371 : AIR 1963*

SC 1241, SCR at pp. 431-32 approved the use of Statement of Objects and Reasons for the purpose of understanding the background and the antecedent state of affairs leading up to the legislation."

(emphasis supplied)

15.7 Thus, it is clear that the facts stated in the Statement of Object & Reasons appended to any legislation are evidence of the legislative intent. They indicate the thought process of the elected representatives of the people and their cognizance of the prevalent state of affairs, impelling them to enact the law. These, as observed in ***Mirzapur Moti Kureshi Kassab Jamat*** (supra), constitute important factors which amongst others will be taken into consideration by the Court in judging the reasonableness of any restriction imposed on the fundamental rights of the individuals. The Court would begin with a presumption of reasonability of the restriction, more so when the facts stated in the Statement of Object & Reasons and the preamble are taken to be correct and they justify the enactment of law for the purpose sought to be achieved.

16. Let us now consider few provisions of the Registration Act that are relevant for our purpose. Section 17 of the Registration Act provides that any document (other than testamentary instrument) which purports or operates to create, declare, assign, limit or extinguish whether in present or in future "any right, title or interest" whether vested or contingent of the value of Rs.100/- and upwards to or in immovable property. Section 17 (1) makes registration compulsory for a few documents whereas Section 22-A prohibits registration of documents compulsorily registerable and the transactions are treated as illegal transactions of transfer of property held by the Government/Institutions. Section 18 provides for optional registration of documents specified therein. Section 22 provides for description of house and land by reference to the Government maps or surveys. Section 32 provides for presentation of document for registration. Section 33 deals with power of attorney recognizable for the said purpose.

16.1 Section 34 deals with enquiry before registration by registering officer. It provides for an enquiry before registration by registering officer. This provision states that subject to the provisions contained in Part VI and in
Sections 41, 43, 45, 69, 75, 77, 88 and 89 no document shall be registered under the Registration Act unless the person executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under Sections 23, 24, 25 and 26. Sub-section (3) also provides for an enquiry contemplated by clauses (a) to (c) of sub-section 3 to be conducted by the registering officer before registration of a document.

16.2 Section 47 of the Registration Act provides that a registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made and not from the time of its registration. From perusal of Section 47, it appears to us that it does not purport to create a new title but only affirms the title which was created by the sale deed. Section 49 deals with the effect of non-registration of documents required to be registered. It provides that no document required by Section 17 to be registered shall, affect any immovable property comprised therein or received as evidence of any transaction affecting such property, unless it has been registered. Registration of document gives notice to the world that such a document has been executed.

16.3 Part XI of the Registration Act deals with duties and powers of the registering officers. Part XII deals with the documents which Sub-Registrar may register which, *inter alia*, refer to a document relating to a property, which was not situated within the District of the Registrar or which ought to be registered in the office of the Sub-Registrar or on the ground of denial of execution. Section 71 provides for making an order of refusal to register a document and also to make an endorsement “registration refused” on the document. Section 76 provides for making an order of refusal by Registrar and Section 77 provides for filing a suit in case of order of refusal by the Registrar.

Section 77 also provides that where the Registrar refuses to order the document to be registered under Section 72 or Section 76, any person claiming under such document, or his representative, assign or agent, may, within 30 days from the date of order of refusal, institute a suit for a decree directing the document to be registered. Section 59-A of the Registration Act enables the Government to pass an administrative order which has the effect of negating the statutory provision of appeal, revision, etc., contained in Chapter-XVII of the Act which would have enabled the appellate or revisional authority to decide upon question in relation to which an order under this section is passed.

16.4 Rule 21 to Rule 26 in Chapter-VIII and Rule 58 of Andhra Pradesh Rules Under The Registration Act, 1908 (for short 'the Rules') may be relevant for our purpose. Chapter-VIII of the Rules deals with Registration and Examination of documents. Rule 21 provides for registration of a document relating to immovable property situated partly within and partly without the areas to which Registration Act applies. The Registration Certificate issued in respect of such a property shall show that registration has been effected only as regards the portion of the property which lies within the areas where Registration Act is applicable. Rule 22 provides for registration of a document relating to immovable property wholly outside India. Registration of such document, it further makes clear, does not affect the right in the property itself. Rule 23 provides for registration of a document required to be registered under any enactment as specified therein. In the Registration Certificate, the rule further makes it clear, that its registration cannot confer any right or interest unless duly registered under the relevant enactments specified therein. Rule 24 provides for jurisdiction to accept a document for registration at the time of its presentation and the change of transfer thereafter. Rule 25 provides for registration of a document other than a document forwarded under Section 89 shall be presented in person with the fee payable. Rule 26 provides for every document shall, before acceptance for registration, be examined by the registering officer to ensure that all the requirements prescribed under the Act and the Rules have been complied with and then the rule proceeds to state the instances where registering officer requires to examine the requirements.

16.5 Rule 58 is also relevant. It states that it forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds viz., clauses (a) to (e) therein. For instance that the parties appearing or about to appear before him are not the persons they profess to be; that the document is forged; that the persons appearing as a representative, assign or agent, has no right to appear in that capacity; that the executing party is not really dead as alleged by the party applying for registration; or that the executing party is a minor or an idiot or a lunatic.

17. That takes us to consider Section 22-A of Registration Act. The foremost deliberations were on the interpretation, the compass, the realm and the field of operation of section 22-A of the Registration Act. Therefore, it is advantageous to first have a close look at the said provision itself, which reads thus:

22A. Prohibition of Registration of certain documents:--

(1) The following classes of documents shall be prohibited from registration, namely:--

a. documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of the State or Central Government;

b. documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the State or Central Government, executed by persons other than those statutorily empowered to do so;

c. documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease exceeding (ten) 10 years in respect of immovable property, owned by Religious and Charitable Endowments falling under the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by Wakfs falling under the Wakfs Act, 1995 executed by persons other than those statutorily empowered to do so;

d. Agricultural or urban lands declared as surplus under the Andhra Pradesh

Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976;

e. Any documents or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interest.

(2) For the purpose of Clause (e) of Sub-section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed.

(3) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under Clause (e) of Sub-section (1).

(4) The State Government either *suo motu* or on an application by any person or for giving effect to the final orders of the High Court of Andhra Pradesh or Supreme Court of India may proceed to denotify, either in full or in part, the notification issued under Sub-section (2).

18. Before we deal with each clause and sub-section of Section 22-A in the light of the submissions made by the learned counsel for the parties, it would be necessary to bear in mind the settled principles of interpretation. It is well settled that the Courts must proceed on the assumption that the Legislature did not make a mistake and that it did what it intended to do. The Court must, as far as possible, adopt a construction which will carry out the obvious intention of the Legislature. Undoubtedly, if there is a defect or omission in the words used by the Legislature, the Court would not go to its aid to correct or make up the deficiency. The Court could not add the words to a statute or read the words into it which are not there, especially when the literal reading produces an intelligible result. The Court cannot aid the Legislature's defective phrasing of an Act, or add and mend, and by construction, make up deficiencies which are there. *(See* ***Dadi Jagannadham v. Jammulu Ramulu*** *[(2001) 7 SCC 71])*.

18.1 It is relevant to notice the observations made by the Supreme Court in ***Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd. and others***[()]. Paragraph-33 in the said judgment reads thus:

> "**33.** Interpretation must depend on the text and the context. They are the bases of interpretation. One may well say if the text is the texture, context is what gives the colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the contextual. **A statute is best interpreted when we know why it was enacted. With this knowledge, the statute must be read, first as a whole and then section by section, clause by clause, phrase by phrase and word by word**. If a statute is looked at, in the context of its enactment, with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words may take colour and appear different than when the statute is looked at without the glasses provided by the context. With these glasses **we must look at the Act as a whole and discover what each section, each clause, each phrase and each word is meant and designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation**. Statutes have to be construed so that every word has a place and everything is in its place. It is by looking at the definition as a whole in the setting of the entire Act and by reference to what preceded the enactment and the reasons for it that the Court construed the expression "Prize Chit" in *Srinivasa Enterprise v. Union of India [(1980) 4 SCC 507* and we find no reason to depart from the Court's construction."
>
> (emphasis supplied)

18.2 In **P.K. Unni v. Nirmala Industries**[()] the Supreme Court narrated the principles of interpretation, in paragraphs 15 and 16, thus:

> "**15. The court must indeed proceed on the assumption that the legislature did not make a mistake and that it intended to say what it said**: See *Nalinakhya Bysack* v. *Shyam Sunder Haldar (AIR 1953 SC 148)*. **Assuming there is a defect or an omission in the words used by the legislature, the court would not go to its aid to correct or make up the deficiency. The court cannot add words to a statute or read words into it which are not there, especially when the literal reading produces an intelligible result. No case can be found to authorise any court to alter a word so as to produce a *casus omissus***: Per Lord Halsbury, *Mersey Docks and Harbour Board* v. *Henderson Brothers [(1888) 13 AC 595, 602 : 4 TLR 703]*. "We cannot aid the legislature's defective phrasing of an Act, we cannot add and mend, and, by construction, make up deficiencies which are left there": *Crawford* v. *Spooner [(1846) 6 Moore PC 1, 8, 9 : 4 MIA 179]*.
>
> **16.** Where the language of the statute leads to manifest contradiction of the apparent purpose of the enactment, the court can, of course, adopt a construction which will carry out the obvious intention of the legislature. In doing so "a judge must not alter the material of which the Act is woven, but he can and should iron out the creases.": Per Denning, L.J., as he then was, *Seaford Court Estates Ltd.* v. *Asher[(1949) 2 All ER 155, 164]*. See the observation of Sarkar, J. in *M. Pentiah* v. *Muddala Veeramallappa [(1961) 2 SCR 295, 314 : AIR 1961 SC 1107]*.
>
> (emphasis supplied)

18.3 In ***S.Gopal Reddy v. State of A.P***() the Supreme Court observed that it is a well known rule of Interpretation of Statutes that the text and context of the entire Act must be looked into while interpreting the expressions used in a statute and that Courts must look to the object which the statute seeks to achieve while interpreting the provisions of the Act and that a purposive approach for interpreting the Act is necessary. I n ***State of Tamil Nadu v. M.K.Kanda Swamy***() the Supreme Court observed that if more than one construction is possible, the construction which preserves its workability and efficacy is to be preferred to the one which would render the Act or provision otiose or sterile. Similarly, in ***Siraj-Ul-Hak-Khan and Others v. The Sunny Central Board of Waqf, U.P and others***() it was observed that it is well settled that in constructing the provision of a statute Courts should be slow to adopt a construction which tends to make any part of the statute meaningless or ineffective and attempt must always be made so as to reconcile the relevant provisions as to advance the remedy intended by the statute. It is also settled that cardinal principles of interpretation of statute would come into play only when there is ambiguity in the language used and giving the plain commonly understood meaning to the language used in the statute is likely to lead to absurdity. *(also see B.Premanand & Ors. V. Mohan Koikal & Ors. (2011) 4 SCC 266 and National Insurance Co. Ltd., v. Laxmi Narain Dhut (2007) 3 SCC 700)*.

19. Keeping the principles of interpretation, laid down by the Supreme Court in view, we have also perused the relevant provisions of the Transfer of the Property Act (for short, 'T.P. Act') and Article 300-A of the Constitution of India. Section 5 of the T.P. Act defines 'Transfer of Property',

Section 54 defines 'Sales' and Section 53A defines part performance. Article 300-A of the Constitution of India provides that no person can be deprived of property save by authority of law. Article 300-A, not being a fundamental right, does not enable a party to challenge the validity of law under Article 32 on the ground of contravention of this Article, nevertheless, the Court should so interpret a statute if possible that the Statute or a Section shall not affect and

deprive a person of his property without authority of law.

20. Having regard to the facts of the various cases before us and the contentions urged; and keeping in view the different provisions of law, Section 22-A of the Registration Act, the interpretation of which is of poignant importance, has to be analysed by dealing with it's constituent elements and by harmoniously reading it as a whole and in conjunction with the other relevant provisions which will have a bearing on its interpretation. We now proceed to deal with the provision clause-wise by referring to each clause of sub-section (1) of the Section 22-A and sub-sections (2) to (4) keeping in view the settled norms of statutory interpretation.

21. **Clause (a) of sub-section (1) of Section 22-A of Registration Act**. For the sake of convenience and at the cost of repetition, said clause is reproduced hereunder:

> "documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of the State or Central Government;"

A plain reading of the above clause would show that any statute either of the State or Central Government that contains any provision restraining transfer of any immovable property covered therein is automatically prohibited from registration. In other words, when alienation of such property is prohibited by law, the registration thereof cannot be effected by the Registrar as the same would undoubtedly violate such prohibition or alienation under any State or Central law. This provision, therefore, covers State legislation such as A.P. Assigned Lands (Prohibition on Transfer) Act, 1977 and Central Law for instance The Urban Land (Ceiling and Regulation) Act, 1976 where prohibition of alienation is provided under Section 5 thereof. It is also well settled that the title would pass only on registration of document. Hence, once a document is prohibited from registration, the registration thereof cannot be permitted so as to defeat the provisions in respective Acts prohibiting alienation. We, therefore, do not see any ambiguity so as to require further clarifications regarding this clause.

21.1 As a matter of fact, even learned counsel for the parties did not make lengthy arguments. They did not dispute the proposition based on this clause that if alienation or transfer of any property is prohibited under any statute of the State or Central Government, it is open for the registering authority to refuse registration of documents relating to transfer of such immovable property/land. For instance, prohibition under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'Assigned Lands Act'). Section 17 of Andhra Pradesh Land Grabbing (Prohibition) Act, 1982; Sections 18 and 28B of Andhra Pradesh Forest Act, 1967 (1 of 1967) etc. Reference to these enactments is illustrative and not exhaustive.

21.2 Thus, it can safely be concluded that the Registrar concerned would be justified in refusing to register any document dealing with a transaction of transfer of lands covered by any statute. But, the issue arises in a case where the parties to the document, which is presented for registration, state or assert that the property/land is not prohibited under any statute of the State or Central Government. The Registrar is not the competent authority to decide the question including nature and status of the land. Therefore, in our opinion, once a particular property/land finds place in the list of prohibited lands/properties covered by clause (a) of sub-section (1) of Section 22-A, the Registrar concerned is bound under the law to refuse registration of the document dealing with such property. In such an eventuality, the only option left to the parties to the document is to approach an appropriate Forum and seek appropriate relief. We would deal with the question as to who is the appropriate authority which has to forward a list of prohibited properties covered by clause (a) of Section 22-A(1), a little later.

21.3 We, however, observe that when a list of prohibited lands/properties under Section 22-A is sent to the Registrar concerned, it shall make it clear that the forwarded list pertains to lands/properties covered by clause (a) of sub-section (1) of Section 22-A and also mention the statute under which the transaction is prohibited. It would not be sufficient and proper to send one common list of

lands/properties covered either by all clauses of sub-section (1) of Section 22-A or even clause (a) without mentioning the statute which prohibits transactions. This is also necessary in view of the fact that the lands/properties covered by clause (a) of sub-section (1) cannot be equated with properties covered by other clauses, in particular clause (e).

22. **Clause (b) of sub-section (1) of Section 22-A of Registration Act**. For the sake of convenience, said clause is reproduced hereunder:

> "Documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the State or Central Government, executed by persons other than those statutorily empowered to do so;"

A plain reading of this clause would show that prohibition of registration of a document transferring property by way of sale etc. of immovable property "owned" by the State or Central Government, except when the document is executed by persons statutorily empowered to execute on behalf of the State. The prohibition engrafted in this clause has two components. One, immovable property, which is the subject matter of sale etc., is one owned by either State or Central Government, and two, the deed of conveyance dealing with such property shall be registered only if such a deed is executed by persons statutorily empowered and not otherwise. Where the Registrar concerned is informed about the details of any property owned by the Governments, he is obliged to be watchful and not register any deed of conveyance like sale deed if it deals with such property and is not executed by the person empowered to do so.

22.1 At this stage, it is necessary to have a look at the exact meaning of the word "owned" as occurring not only in clause (b) but also in clause (c) of sub-section (1) of Section 22A, to understand the intent of Legislature in introducing these clauses, which, also would help us to further understand the difference between the word "owned" and the expression "avowed and accrued interests"

employed in clause (e) of
sub-section (1), when we consider clause (e).

22.2 The Supreme Court having looked into dictionary meaning of the word "own" has interpreted the same in its few judgments. Butterworth's Words and Phrases Legally Defined,
2nd Edition, Vol.4, page 61 defined the word 'ownership' as under:

> "Ownership consists of innumerable rights over property, for example, the rights of exclusive enjoyment, of destruction, alteration, and alienation, and of maintaining and recovering possession of the property from all other persons. Such rights are conceived not as separately existing, but as merged in one general right of ownership".

22.3 Salmond summed up the concept of ownership as under:

> "Summing up the conclusion to which we have attained, we may define the rights of ownership in a material thing as the general, permanent and inheritable right to the uses of that thing."

22.4 Austin in his book *Jurisprudence*, 3rd Edition, page 817, defined the 'right of ownership' as "a right indefinite in point of user, unrestricted in point of disposition, and unlimited in point of duration over a determinate thing".

22.5 The Supreme Court in ***Mohd.Noor v. Mohd Ibrahim***() after considering the dictionary meaning of the word 'ownership', observed thus:

> "The theoretical concept of 'ownership', therefore, appears to be that a person can be considered to be owner if he has absolute dominion over it in all respects and is capable of transferring such ownership. **Heritability and transferability are no doubt some of the many and may be most important ingredients of ownership. But they by themselves cannot be considered as sufficient for clothing a person with absolute ownership. Their absence may establish lack of ownership but their presence by itself is not sufficient to establish it**."
>
> (emphasis supplied)

22.6 In ***Mysore Minerals Ltd., v. Commissioners of Income Tax***[()], the Supreme Court considered what is 'ownership' and in paragraphs 5, 6, 7 and 8 observed thus:

> 5. What is ownership? **The terms "own", "ownership", "owned" are generic and relative terms. They have a wide and also a narrow connotation. The meaning would depend on the context in which the terms are used**. *Black's Law Dictionary* (6th Edn.) defines "owner" as under:
>
> > "*Owner*. - **The person in whom is vested the ownership, dominion, or title of property; proprietor**. He who has dominion of a thing, real or personal, corporeal or incorporeal, which he has a right to enjoy and do with as he pleases, even to spoil or destroy it, as far as the law permits, unless he be prevented by some agreement or covenant which restrains his right.
> >
> > The term is, however, a *nomen generalissimum*, and its meaning is to be gathered from the connection in which it is used, and from the subject-matter to which it is applied. **The primary meaning of the word as applied to land is one who owns the fee and who has the right to dispose of the property, but the term also includes one having a possessory right to land or the person occupying or cultivating it**.
> >
> > **The term 'owner' is used to indicate a person in whom one or more interests are vested for his own benefit**."
>
> 6. In the same dictionary, the term "ownership" has been defined to mean, inter alia, as-
>
> > "**Collection of rights to use and enjoy property, including right to transmit it to others**. ... The right of one or more persons to possess or use a thing to the exclusion of others. The right by which a thing belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession, enjoyment and disposal; involving as an essential attribute the right to control, handle, and dispose."
>
> 7. *Dias on Jurisprudence* (4th Edn., at p.400) states:
>
> > "The position, therefore, seems to be that the idea of ownership of land is essentially one of the 'better right' to be in possession and to obtain it, whereas with chattels the concept is a more absolute one. **Actual possession implies a right to retain it until the contrary is proved, and to that extent a possessor is presumed to be owner**."
>
> 8. *Stroud's Judicial Dictionary* gives several definitions and illustrations of ownership. **One such definition is that the "owner" or "proprietor" of a property is the person in whom (with his or her assent) it is for the time being beneficially vested, and who**

has the occupation, or control, or usufruct, of it; e.g., a lessee is, during the term, the owner of the property demised. Yet another definition that has been given by Stroud is:

> " 'Owner' applies 'to every person in possession or receipt either of the whole, or of any part, of the rents or profits of any land or tenement; or in the occupation of such land or tenement, other than as a tenant from year to year or for any less term or as a tenant at will'. "

(emphasis supplied)

22.7 Under the common law 'owner' means a person who has got valid title legally conveyed to him after complying with the requirements of law such as Transfer of Property Act. The owner must be a person who can exercise the rights as owner, not on behalf of the owner but in his own right. Ownership consists of the rights of exclusive enjoyment and alienation.

22.8 To claim ownership one needs to prove his title over the property. Such ownership is good against the whole world. The rights of an owner are seldom, absolute and often are in many respects controlled and regulated by statute. The question, however, is whether he has a superior right or interest *vis-à-vis* the person challenging it.

22.9 Claiming interest is distinct from having ownership. If a person is not having 'ownership' or 'title' in the property, but is claiming some 'interest' therein may not be able to alienate such property. Once an immovable property 'owned' by the State or Central Government or they have right, title and interest therein, a document relating to transfer of such property by way of sale, agreement of sale, gift, exchange or lease can be executed by only a person statutorily empowered to do so.

22.10 In the light of the meaning of the word 'owned' as explained above, in our view, the aforesaid clause is intended to convey clear meaning where the properties are owned by the State or Central Government and with regard to such ownership got title vested in their favour by virtue of the undisputed

document of ownership or Act of legislation under which they own the property. Thus, clause (b) will cover not only the cases where title document of such property is in the name of State or Central Government or otherwise undisputed or there could be no controversy, but even other properties such as roads, lakes, tanks, historical monuments, etc. undisputedly belong to State or Central Government, as the case may be, and on account of such ownership, if any document is executed by any person, the aforesaid clause requires that such document shall not be registered except when a person statutorily empowered executes such document. This would, in other words, mean that if the State or Central Government desires to alienate its own property authorizing any of its officers, if the registering authority is satisfied of the authority of such person to execute the document and only in such case, the prohibition imposed under clause (b) above would not apply. However, any registration sought to be effected by any person other than those empowered to alienate it, are prohibited from registering/alienating such property. Learned counsel for the parties also did not advance serious arguments on this clause as a reading of this clause itself makes it clear the applicability of properties covered by the aforesaid clause.

22.11 We may also observe that merely because a property covered by clauses (a) & (b) does not find place in the lists forwarded by concerned authority and if the transaction is otherwise prohibited by a statute or it is owned by the State or Central Government, even if the document is registered that would not convey the title in favour of a purchaser/transferee. As rightly observed by the learned Judge in the 6th judgment [(**C.Radhakrishnama Naidu (supra)**] that mere act of registration would not transfer or create a right in favour of a party than what the vendor and executant possessed.

23. **Clause (c) of sub-section (1) of Section 22-A of Registration Act**. For the sake of convenience, said clause is reproduced hereunder:

> "documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease exceeding (ten) 10 years in respect of immovable

property, owned by Religious and Charitable Endowments falling under the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by Wakfs falling under the
Wakfs Act, 1995 executed by persons other than those statutorily empowered to do so."

23.1 This clause deals with documents relating to transfer of property by way of sale, gift, etc. in respect of immovable properties owned by Religious and Charitable Endowments falling under the purview of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "Endowments Act") or by Wakfs falling under the Wakf Act, 1995 (for short "Wakf Act") executed by persons other than those statutorily empowered to do so. The clause prohibits registration of documents relating to transfer of property in respect of immovable property owned by Religious Charitable Endowments or by Wakfs unless such documents are executed by persons statutorily empowered to do so.

23.2 To address the question that which properties are "owned" by Religious Charitable Endowments or by Wakfs, it is necessary to look into some relevant provisions of the Endowments Act and the Wakf Act.

23.3 Insofar as the Endowments Act is concerned,
Sections 43, 45 & 46 of the Endowments Act are relevant. Section 43 provides registration of charitable and religious institutions and endowments. This provision prescribes the procedure for registration of an institution/endowment by the Assistant Commissioner of Endowments. When the application, under this provision is made to the concerned Assistant Commissioner for registration of an endowment it requires to be made, as prescribed under sub-sections (1) to (4) of Section 43. Sub-section (4) provides what every application for registration of an endowment, should contain, amongst many other things, particulars of immovable property and movable properties including jewels, gold, silver or precious stones or vessels and utensils belonging to the endowment with their estimated value and the monies and the

securities and of the annual income therefrom and to furnish title deeds and other documents relating to such properties. Sub-section (5) of Section 43 empowers the Assistant Commissioner to make an enquiry before passing an order directing registration of an endowment and issue a certificate of registration containing the particulars furnished in the application with the alterations, if any, made by him as a result of his enquiry. Sub-section (6) provides that the certificate of registration should be entered in 'the Register of Institutions and Endowments" (for short 'the Register') in respect of all the institutions and endowments situated within his sub-division. The Register, as provided for under sub-section (7), shall be divided into two parts; one for charitable institutions and endowments, and the other for religious institutions and endowments. Sub-section (8) further provides as to what the Assistant Commissioner shall enter in the Register maintained by him under sub-section (6). The other sub-sections may not be relevant for our purpose. Sections 45 & 46 of the Endowments Act are also relevant, which read thus:

> Section 45. Application in regard to entry or omission to make an entry in register:- (1) **Any person aggrieved by an entry or omission to make an entry in the register maintained under Section 43 may apply to the Endowments Tribunal for modification or annulment of such entry, or for directing the making of such entry, as the case may be**.
>
> (2) On receipt of the application the Endowment Tribunal may, after making such enquiry as may be necessary, pass such order as deem fit. **The order so passed shall, subject to the provisions of sub-section (3), be final; and the Assistant Commissioner shall amend the entry in the register maintained under Section 43 in accordance therewith**.
>
> (3) Where any such application relates to the right claimed by the applicant in respect of such entry or omission, the Endowment Tribunal shall enquire into and decide the question as if it were a dispute within the meaning of Section 87 and the provisions of Chapter XII shall apply.
>
> –
>
> Section 46. Extract from the register maintained under Section 43 to be furnished:- (1) The Assistant Commissioner, may on an application made to him in this behalf, furnish to the applicant copies of any extracts from the register maintained under Section 43 on payment of such fee as may be prescribed.

(2) Such copies may be certified in the manner provided in Section 76 of the Indian Evidence Act, 1872.

(3) **It shall, until the contrary is established, be presumed that all particulars entered in the register maintained under Section 43 are genuine**, a certified copy of an entry in the register maintained under Section 43 shall be admissible in evidence in any Court and have the same effect to all intents as the original entry in the register of which it is a copy.

(emphasis supplied)

23.4 Sections 43, 44 & 45 of the Endowments Act make it manifest that all the properties owned by the institutions/endowments require to be entered in the prescribed Register and once any immovable property belonging to the endowment is entered in the prescribed Register, such entry shall be presumed to be genuine until the contrary is proved. Therefore, once the property is entered in the Register prescribed, it is *prima facie* proved that it is "owned" by religious and charitable endowments and, if such property is included in the list of properties communicated to the Registrar concerned, clearly indicating therein that it is covered by clause (c) of sub-section (1) of Section 22-A, and it is owned by particular institution/endowment, no document presented for registration dealing with such property can be registered by the registering authorities. In other words, the registering authority can refuse registration of such a document covering the property belonging to any institution/endowment which is entered in the 'Register' maintained under the provisions of Section 43 read with Section 45 of the Endowments Act. The aggrieved party, in that event, shall have to resort to a remedy that may be available under the Endowments Act. In short, as long as a property finds place in the prescribed Register, a document in respect of such property presented for its registration to the Registrar cannot be received and registered, unless such document is executed by a person statutorily empowered to do so or authorized by the endowment to do so.

23.5 Insofar as Wakf Act, 1995 (for short "Wakf Act") is concerned, Sections 3, 5, 37 & 40 are relevant. Section 3 (n) defines 'shia wakf', whereas Section 3 (o)

defines ‘sunni wakf’, and Section 3 (r) defines ‘wakf’. We need not to go into further details of these definitions. Section 5 provides for publication of a list of ‘auqaf’. Amongst other things, the State Government is supposed to maintain a record of lists of ‘sunni auqaf’ and ‘shia auqaf’ in the State published under sub-section (2) from time to time. It is advantageous to reproduce Section 37, which is relevant for our purpose, which reads thus:

Section 37.

Register of Auqaf:-- (1) **The Board shall maintain a register of Auqaf which shall contain in respect of each Waqf copies of the Waqf deeds, when available and the following particulars**, namely:-

a. the class of the Waqf;

b. the name of the mutawalli;

c. the rule of succession to the office of mutawalli under the Waqf deed or by custom or by usage;

d. **particulars of all Waqf properties and all title deeds and documents relating thereto;**

e. particulars of the scheme of administration and the scheme of expenditure at the time of registration;

f. such other particulars as may be provided by regulations.

(2) **The Board shall forward the details of the properties entered in the register of auqaf to the concerned land record office having jurisdiction of the waqf property.**

(3) **On receipt of the details as mentioned in sub-section (2), the land record office shall, according to established procedure, either make necessary entries in the land record or communicate, within a period of six months from the date of registration of waqf property under Section 36, its objections to the Board.**

(emphasis supplied)

23.6 From bare perusal of this provision, it is apparent that the Board shall maintain a Register of auqaf containing the particulars of all wakf properties and all title deeds and documents relating thereto. Sub-section (2) of Section 37

provides that the Board shall forward the details of properties entered in the Register of auqaf to the concerned land record and office having jurisdiction of the wakf property. The concerned land record office, in turn, under sub-section (3) shall either make necessary entries in the land record or communicate within a period of six months from the date of registration of wakf property under Section 36, its objections to the Board.

23.7 Section 40 is also relevant, which reads thus:

> Decision if a property is Waqf property:-- (1) **The Board may itself collect information regarding any property which it has reason to believe to be Waqf property and if any question arises whether a particular property is Waqf property or not or whether a Waqf is a Sunni Waqf or a Shia Waqf it may, after making such inquiry as it may deem fit, decide the question.**
>
> (2) **The decision of the Board on a question under sub-section (1) shall, unless revoked or modified by the Tribunal, be final.**
>
> (3) Where the Board has any reason to believe that any property of any trust or society registered in pursuance of the Indian Trusts Act, 1882 (2 of 1882) or under the Societies Registration Act, 1860 (21 of 1860) or under any other Act, is a Waqf property, the Board may notwithstanding anything contained in such Act, hold an inquiry in regard to such property and if after such inquiry the Board is satisfied that such property is Waqf property, call upon the trust or society, as the case may be, either to register such property under this Act as Waqf property or show cause why such property should not be so registered:
>
> Provided that in all such cases, notice of the action proposed to be taken under this sub-section shall be given to the authority by whom the trust or society had been registered.
>
> (4) The Board shall, after duly considering such cause as may be shown in pursuance of notice issued under sub-section (3), pass such orders as it may think fit and the order so made by the Board, shall be final, unless it is revoked or modified by a Tribunal.

(emphasis supplied)

23.8 A plain reading of the provisions would show that a list of Sunni Wakf and Shiya Wakf will be published in the official Gazette of the State with necessary particulars. The State Government maintains a record of lists published under sub-section (2) of Section 5 from time to time. Apart from the properties which are Gazetted, the Wakf Board is supposed to maintain a register of Auqaf in respect of each wakf with all necessary details and forward details of the properties entered in the Register to the land record office concerned having jurisdiction of the wakf property. On that the land record office, according to the procedure established is expected to make necessary entries in the land record and communicates the same within a period of six months from the date of registration of wakf property under Section 36, its objections.

23.9 Therefore, once the property finds place in a Gazette published as envisaged under Section 5 or in the Register of Auqaf, which is the prescribed Register, it is prima facie proof that the property is a Wakf. And, if that property is included in the list of prohibited properties communicated to the Registrar concerned, then, any document presented for registration dealing with such property comes within the prohibition under clause (c) of the Section 5, insofar as the properties of Wakfs falling under the Wakfs Act.

23.10 It is also pertinent to note that Section 51 of the Wakf Act, which is extracted infra, declares that alienation of the wakf property without sanction of the Wakf Board to be void *ab initio*.

> **Section 51. Alienation of Waqf property without sanction of Board to be void:--** (1) Notwithstanding anything contained in the Waqf deed, **any lease of any immovable property which is Waqf property, shall be void unless such lease is effected with prior sanction of the Board**:
>
> Provided that no mosque, dargah, khanqah, graveyard, or imambara shall be leased except any unused graveyards in the States of Punjab, Haryana and Himachal Pradesh where such graveyard has been leased out before the date of commencement of the Wakf (Amendment) Act, 2013.

(1A) **Any sale, gift, exchange, mortgage or transfer of waqf property shall be void *ab initio***:

Provided that in case the Board is satisfied that any waqf property may be developed for the purposes of the Act, it may, after recording reasons in writing, take up the development of such property through such agency and in such manner as the Board may determine and move a resolution containing recommendation of development of such waqf property, which shall be passed by a majority of two-thirds of the total membership of the Board:

Provided further that nothing contained in this sub-section shall affect any acquisition of waqf properties for a public purpose under the Land Acquisition Act, 1894 or any other law relating to acquisition of land if such acquisition is made in consultation with the Board:

Provided also that—

a. the acquisition shall not be in contravention of the Places of Public Worship (Special Provisions) Act, 1991;

b. the purpose for which the land is being acquired shall be undisputedly for a public purpose;

c. no alternative land is available which shall be considered as more or less suitable for that purpose; and

d. to safeguard adequately the interest and objective of the waqf, the compensation shall be at the prevailing market value or a suitable land with reasonable solatium in lieu of the acquired property.

(emphasis supplied)

23.11 Thus, insofar as clause (c) of sub-section (1) of Section 22-A is concerned, it is clear that immovable properties of Charitable and Religious Endowments required to be entered in a prescribed Register, the certified extract of which needs be supplied to any applicant under Section 43 of the Endowments Act. There is a finality attached to the entries in the Register until the contrary is proved. Similarly, the waqf properties will be either

Gazetted or will be entered in the prescribed Register. There is a finality attached to such entries in the Register and the properties gazetted, until the contrary is proved. When once the properties of Charitable and Religious Endowments are entered in the prescribed Register and when once the Waqf properties are either gazetted or entered in the prescribed register and the details of such properties find place in the list of prohibited properties made available to the Registrar concerned, he would be justified in refusing to register any document presented for registration related to such properties of Charitable and Religious Endowments or Waqfs, which find place in the list of prohibited properties, provided they are not executed by person statutorily empowered to do so or authorized to do so. It is needless to mention that the parties aggrieved have a liberty to invoke the mechanism provided under the special Statutes, if they intended to challenge the ownership of the Charitable and Religious Endowments or of the Wakfs.

23.12 However, a question may arise as to whether the Registrar would be justified in refusing to register any document presented for registration merely on the ground that the property finds place in the list of prohibited properties made available to him though such property does not find a place in the prescribed Register in case of Charitable and Religious Endowments and is neither gazetted nor entered in the prescribed Register of Waqfs. All such cases, however, may fall under clause (e) where an appropriate claim will have to be made by such statutory authorities requesting the Government to notify their claim. We shall further consider this aspect while dealing with clause (e). Where a Religious endowment or Waqf claim 'avowed' or 'accrued' interest in any property, such a property may be brought under clause (e) of sub-section (1) of Section 22-A. In other words, if a property is either not entered in the prescribed register or gazetted, and if its ownership is in dispute or the process of entering the property in the prescribed register is incomplete for any reason, the endowment/waqf concerned, perhaps may have to take steps either for its notification under sub-section (2) of Section 22-A showing their 'avowed' or 'accrued' interest therein or obtain appropriate order from appropriate forum, prohibiting the transaction in respect of such property.

24. **Clause (d) of sub-section (1) of Section 22-A of Registration Act**. For the sake of convenience, said clause is reproduced hereunder:

> "Agricultural or urban lands declared as surplus under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976;"

24.1 It is trite to note that under this clause any documents or class of documents pertaining to agricultural or urban lands declared as surplus either under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976, (for short "Ceiling Acts") are prohibited from registration. This clause does not present any difficulty as there will be final declarations/orders under the two enactments; whereunder there will be a declaration of surplus agricultural and urban lands, as the case may be, with the details of survey numbers and extents of the properties. The scheme of the Urban Land (Ceiling and Regulation) Act, 1976 provides for filing of statement in case where vacant land in excess of ceiling limit is held by a person at the time of commencement of the Act. It further provides preparation of a draft statement as regards vacant land held in excess of ceiling limit and once final statement as contemplated by Section 9 is prepared, State Government can proceed to acquire the land in excess of ceiling limit. Section 10 (1) of this Act provides for declaration of a notification in the official gazette giving particulars of the vacant land held by a person in excess of ceiling limit stating that such vacant land is to be acquired by the concerned State government and the claims of all persons interested in such vacant land may be made by them personally or by their agents giving particulars of the nature of their interest in such land. Section 10 (2) provides for adjudication of any claims made in pursuance of the notification under section 10(1). Section 10(3) provides that at any time after a notification under 10 (1), the competent authority can publish a declaration in the official gazette that the excess vacant land referred to in the notification published under 10(1) shall vest in the Government from the date specified therein.

24.2 Insofar as the Andhra Pradesh Land Reforms (Ceiling on Agricultural

Holdings) Act, 1973 is concerned, it provides for surrender of land in excess of the ceiling area. Section 8 of the Act provides for declaration of holding. Section 9 provides for determination of ceiling area and Section 10 provides for surrender of land in certain cases. Once the land is surrendered to the Government it stands vested in Government under Section 11 of the Act. When once the surplus lands covered by such declarations are included in the list of prohibited properties communicated to the Registrar concerned, the Registrar can safely refuse registration of such classes of documents pertaining to such surplus lands. There cannot be any qualms or misgivings for the Registrar doing so.

25. Before we consider **clause (e)**, we would also like to consider common questions concerning clauses (a) to (d) of sub-section (1) of Section 22-A. The first **incidental question** raised is whether either the concerned/competent officers of various departments of the Governments or registering authorities have any scope for playing any mischief or unbridled powers while preparing and sending the lists of prohibited properties to the Registering authorities or while registering the documents?; **and** who is the competent/appropriate authority, which has to forward a list of prohibited properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A?

25.1 The contention urged by learned senior counsel was that the properties that are being included in the list containing prohibited properties maintained by the offices of Registrars concerned are a result of arbitrary actions of the persons/officers sending details of properties to the Registrars and that some times such persons who are sending the details of properties to be included in the list of prohibited properties are not competent officers and that the lists are a result of arbitrary and not legally valid actions of some officers of the various departments of the Government, and therefore, inclusion of property in the list is factually incorrect and has no legal sanctity.

25.2 In this connection, it is necessary to peruse the guidelines issued by the State Government, to which our attention was drawn during the course of

hearing by learned counsel for the parties. The guidelines and directions are issued to all concerned to be followed while exercising powers under clauses (a) to (d) of sub-section (1) of Section 22 of the Registration Act, in particular (for short "the guidelines"). The guidelines read thus:

"**Section 22-A – Certain guidelines**

[Circular Memo No.G1/19131/05, dt.14-09-2007]

Sub: Registration and Stamps Department - Registration

(A.P. Amendment) Act 2007 - Act No.19 of 2007

relating to Section 22-A – Certain Guidelines issued –

Regarding.

* * *

The Government have notified through G.O.Ms.No.863 Revenue (Reg.I) Department, dt.20.06.2007 bringing the Registration
(A.P. Amendment) Act 2007 into force from 20.06.2007. The amendment relates to Section 22-A which prohibits registration of certain documents. In pursuance of the Government notification of the Act No.19 of 2007, the following guidelines and directions are issued to all concerned to implement the provisions of the Act:

(1) S.22-A(1)(a):2 For the purposes of Section 22-A (1)(a) all the **District Collectors shall furnish lists of properties prohibited under the statutes to the Registering Officers** having jurisdiction over such property and also the District Registrar, Deputy Inspector General (R & S) concerned and to Commissioner & Inspector General of Registration and Stamps in the proforma appended in Annexure I under proper acknowledgment. **Subsequent additions, if any also shall be sent in the same manner. The list must be signed by Collector/Joint Collector of the district**.

Any deletions or modifications to these lists should be sent to Commissioner and Inspector General of Registration and Stamps, who in turn will furnish the same to the concerned Registering Officers having jurisdiction over such property, for necessary action.

(2) S.22-A(1)(b): For the purposes of Section 22-A(1)(b), the **District Collectors shall furnish the lists of immovable properties owned by the State or Central Government**

as the case may be to the Registering Officers having jurisdiction over such property and also the District Registrar, Deputy Inspector General (R & S) concerned and Commissioner & Inspector General of Registration and Stamps in the proforma appended in Annexure II. **The list must be signed by the concerned authorised representative of Central/State Government as the case may be**.

All authorization for presentation and execution of documents executed by the persons statutorily empowered to do so shall be accompanied by Government orders issued by the concerned department/ Ministry of the State or Central Government along with signature of the person so authorised to present or execute the documents duly attested by the District Collector.

Any deletions or modifications to these lists should be sent to Commissioner and Inspector General of Registration and Stamps, who in turn will furnish the same to the concerned Registering Officers having jurisdiction over such property, for necessary action.

(3) S.22-A(1)(c): For the purposes of Section 22-A (1)(c) **the lists of properties owned by religious and charitable endowments falling under the purview of the A. P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 or under the Wakf Act, 1985 to the Registering Officers having jurisdiction over such property and also the District Registrar, Deputy Inspector General (R&S) concerned and Commissioner & Inspector General of Registration and Stamps in the proforma appended in Annexure-III. The list must be signed by Commissioner, Endowments or Secretary, Wakf Board, as the case may be**.

All authorizations by the persons statutorily empowered to alienate these properties shall be accompanied by notification issued by the concerned Administrative Department in Government and the signature attested by the concerned Head of the Department.

Any deletions or modifications to these lists should be sent to Commissioner and Inspector General of Registration and Stamps, who in turn will furnish the same to the concerned Registering Officers having jurisdiction over such property, for necessary action.

(4) S.22-A(1)(d) : for the purposes of Section 22-A (1)(d) **lists of land declared as surplus lands under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976 shall be furnished by the Revenue authorities (Not below the rank of RDO) and the Special Officer and**

Competent Authority under ULC Act concerned as the case may be to the Registering Officer having jurisdiction over such property and also to the District Registrar, Deputy Inspector General and Commissioner & Inspector General of Registration and Stamps in the proforma appended in Annexure IV.

Any deletions or modifications to these lists should be sent to Commissioner and Inspector General of Registration and Stamps, who in turn will furnish the same to the concerned Registering Officers having jurisdiction over such property, for necessary action.

(5) **All the Registering Officers and the District Registrars on receipt of the intimations/notifications from the Authorised Officers as mentioned above, under sub-sections (a) to (d) of Section 22-A (1) shall enter them in the prohibited property registers maintained electronically and also manually** and confirm the fact of having made the entries to the Commissioner & Inspector General of Registration within fifteen (15) days from the date of receipt of the intimations/notifications.

(6) All the intimations or notifications forwarded by the Authorised Officers, in this regard to the concerned Registering Officers/District Registrars shall be filed in a separate new file book (It shall be a PERMANENT REGISTER) titled as intimations/notifications of prohibited properties under Section 22-A and **also publish such details on web site duly updating the information from time to time. The deletions/modifications to these lists forwarded by the C&IG, shall also be filed in the same file book in chronological order**.

(7) RECONCILIATION: DIGs will be responsible for ensuring that details available with Registering Officers are reconciled with Details available with his/her and DR office once in a quarter (January, March, June, Sept.). A periodical report will be sent to C&IG Office along with the list in Jan. and June every year. **The DIG, shall certify that all the entries are made in prohibited registers maintained by the officers electronically and manually and no document was registered during this period affecting the prohibited properties.**

(8) Registration done between 1.4.99 and 20.6.07: All the registrations completed between 1st April, 1999 up to the commencement of Act 19 of 2007 i.e., 20.06.2007, disregarding the prohibitions under Section 22-A notifications, shall be invalidated by making Contra entries under the concerned entry in Volume and Indexes, electronically, under intimation to parties concerned by RPAD/AD. The Registering Officers shall immediately refuse to register the documents which are kept pending during the above period since the re-enacted Act has validated all the notifications issued by the Government basing on the

previous provisions of Section 22-A.

(9) Refusals: All refusals under Section 22-A(3) and invalidations under Section 22-A(3/5) shall be entered in book 2 Volume, and an extract of the entry shall be furnished to the person presenting the documents after duly recording the reasons for the refusal or the invalidation in the endorsements. **The endorsements or refusal order should disclose the details of intimation/notification through which the subject properties are liable for refusal or registrations**.

(10) **For the classes of documents mentioned in clause (e) of Section 22-A(1) the State Government will notify the properties**. Whenever such notifications are issued by the Government, the Registering Officers shall file them in the above prescribed file register and also make necessary entries in the prohibition registers maintained by them electronically and manually."

(emphasis supplied)

25.3 The guidelines, thus, provide the procedure for preparing lists of properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A and as to who is supposed to forward such list and to whom. Clauses (a) & (b) provide that it is the District Collectors alone shall furnish lists of properties "prohibited under the statutes" of immovable properties "owned by the State and Central Governments". It further provides that the list should be forwarded to registering officers having jurisdiction over such property and also to the District Registrar, Deputy Inspector General (R&S) concerned and to the Commissioner and Inspector General of Registration and Stamps in the proforma appended as Annexure I and II to the guidelines under proper acknowledgment. Even deletions and modifications to these lists also are required to be sent to these authorities. These guidelines, in our opinion, need to be followed scrupulously. In other words, lists of properties covered under clauses (a) & (b) of Section 22-A (1) of the Registration Act shall be furnished only by the District Collectors to the aforementioned authorities under the Registration Act. The concerned registering officer, Registrar or Sub-Registrar as the case may be, shall act on the lists of properties covered by clauses (a) & (b) only and only when the list is forwarded to them by the District Collectors.

Thus, the question of forwarding of lists of properties covered by clauses (a) & (b) by the officers of different departments to the registering authorities directly does not arise and if the registering officers receive any lists directly from different departments, officers of the Government (other than the District Collectors), he is not expected to look into such lists and act upon them. The officers of different departments should forward their list to the District Collector, who in turn is expected to examine the list and after having satisfied of its correctness may forward it further to the aforementioned authorities. In short, the District Collector is not expected to act as postmen. If list of prohibited property is received by the registering officer directly, the registering officers at the most can return such lists to the concerned department requesting them to forward it through the concerned District Collectors, who, under the Guidelines, are enjoined with the duty of furnishing the lists to the authorities mentioned above in the office of Registration and Stamps.

25.3.1 Insofar as lists of properties covered by clause (c) are concerned, it must be forwarded by Commissioner, Endowments insofar as Charitable and Hindu Religious Institutions and Endowments are concerned and by Secretary of the Wakf Board in case of the properties owned by Wakf to the registering officers having jurisdiction over such property and also District Registrar, Deputy Inspector General (R&S) concerned and so also to the Commissioner and Inspector General of Registration and Stamps in the proforma appended in Annexure III to the guidelines. Unless the lists are forwarded in the manner stated above and/or as provided in paragraph 3 of the guidelines, it cannot be and should not be acted upon by the registering officers having jurisdiction over such property. Similarly, in case of properties covered by clause (d), list of lands declared as surplus under the provisions of the Acts mentioned in paragraph 4 of the guidelines by the revenue authorities (not below the rank of Revenue Divisional Officer) and the Special Officer and competent authority under the ULC Act concerned, they are expected to furnish lists of lands so declared as surplus lands under the Ceiling Acts to the registering officer having jurisdiction over such property and also to the District Registrar, Deputy Inspector General and Commissioner and Inspector General of Registration and Stamps in the proforma appended in Annexure IV.

25.3.2 It is also worth noticing that all registering officers and District Registrars on receipt of lists of properties from the authorized officers are expected to enter them in the prohibited property registers maintained electronically and also manually and confirm the fact of having made entries to the Commissioner and Inspector General of Registration and Stamps within 15 days from the date of receipt of the intimation/publications. It further provides that all intimations are also to be published on 'website' and so also to update the lists from time to time.

25.4 The guidelines insofar as clauses (a) to (d) of
sub-section (1) of Section 22-A are concerned, it is clear that the concerned authority viz., District Collectors in case of properties covered by clauses (a) & (b), Commissioner in case of Endowment and Secretary in case of Wakf properties covered by clause (c), and the Special Officer and competent authority under the Urban Land Ceiling Act and Regulations in respect of the properties covered by clause (d) have *suo motu* power to add to the list or delete from the list any property and/or to modify the list sent to the registering officer having jurisdiction over such property and also to the District Registrar, Deputy Inspector General or to Commissioner and Inspector General of Registration and Stamps. It also provides that in the event of any deletion or modifications of the properties covered by clauses (a) to (d), the Commissioner and Inspector General of Registration and Stamps shall furnish the modified list to the concerned registering officers having jurisdiction over such property for necessary action. Having regard to the scheme of Section 22-A and careful perusal of guidelines, it appears to us that insofar as properties covered by clause(e) of sub-section (1) are concerned, the State Government either *suo motu* or on an application by any person or for giving effect to the final orders of the High Court of Andhra Pradesh or Supreme Court of India may proceed to denotify, either in full or in part, the notification issued under sub-section (2) and similarly insofar as properties covered by clauses (a) to (d) are concerned *suo motu* power is conferred on the authorities which forward the list to the registering authorities can also add, delete or modify the lists sent to the registering authorities under the provisions of the Registration Act. The guidelines, however, do not state that such power in respect of the properties

covered by clauses (a) to (d) can be exercised on an application made by the parties aggrieved/concerned. It is, however, well settled that authorities, such as mentioned in the guidelines, which can exercise *suo motu* power to add, delete or modify the lists can also exercise such power on an application made by the party aggrieved. In other words, the aggrieved party can also invite the attention of such authority as to illegality, irregularity or impropriety in inclusion of their property in the list and in such event the concerned authority is obliged to consider the application and exercise its power as conferred under the guidelines. {See **Pune Municipal Corporation v. State of Maharashtra and others [(2007) 5 SCC 211]** and **K.Pandurangan v. S.S.R.Velusamy and another [(2003) 8 SCC 625]** }. Having regard thereto, in our opinion, if an application is made by an aggrieved party to the authorities referred to in the guidelines, they are obliged to deal with the same and take appropriate action of either adding, deleting or modifying the lists of the properties covered by clauses (a) to (d) of sub-section (1) of
Section 22-A of Registration Act. This power, however, does not contemplate any hearing as such. In view thereof, we observe that an aggrieved party can adopt appropriate remedy either against the order passed by such an authority or independently seek declaration in respect of their property in an appropriate proceeding. We make it clear that these observations shall not be treated as creation of any Forum as such for redressal of grievances of aggrieved party in respect of the properties covered by clauses (a) to (d) of
sub-section (1).

25.5 In our considered view, the guidelines, which are extracted supra, provide adequate measures to rule out any mischief and arbitrariness in furnishing lists of 2properties prohibited under clauses (a) to (e) of Section 22-A of the Registration Act to the Registering officers concerned; and, under these guidelines, the officers who are enjoined with the duty of identifying the properties and furnishing the lists to the Registrars concerned are also identified and specified: Further, provisions are also made for deletions and modifications of the lists under various clauses (a) to (d) and also for reconciliation once in a quarter. Then directions are also issued to maintain 'Register of Refusals' in a prescribed form. Therefore, the apprehension that

there may be mischief or arbitrariness in furnishing lists of properties to the Registrars concerned is not well founded. Hence, we see no merit in the contention that the procedure for entering properties in the lists is irregular and arbitrary.

26. **That takes us to consider the last clause (e) of sub-section (1) and also sub-sections (2) to (4) of Section 22-A of Registration Act.** At the cost of repetition, it is relevant to reproduce clause (e) once again, at this stage, to appreciate the submissions of learned counsel for parties and to deal with the questions raised by them. Clause (e) of sub-section (1) of Section 22-A reads thus:

> "Any documents or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which **avowed or accrued interests** of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, **those attached** by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interest."
>
> (emphasis supplied)

27. The incidental questions that may have to be considered while dealing with **clause (e)** are (i) whether clause (e) deals with two categories of properties or only one; (ii) whether a notification, prohibiting registration of any document or class of documents, as contemplated by sub-section (2) of Section 22-A of the Registration Act is necessary in respect of the properties covered by all clauses of sub-section (1) thereof or it is necessary only in respect of the properties covered by clause (e); (iii) what are the properties which fall within the ambit of and which can be brought under the sweep of clause (e) of sub-section (1) of Section 22-A?; and (iv) whether a notification under sub-section (2) is required to be published in the official gazette?

28. We would like to consider the first two questions together. Insofar as the first question is concerned, Mr.Vedula Venkata Ramana, learned Senior

Counsel, alone contended that clause (e) deals with only one category of properties viz., the properties attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect “avowed and accrued” interests of the Central and State Governments, Local Bodies, educational, cultural, religious and charitable institutions. On the other hand, learned senior counsel appearing for the parties, in particular learned Advocates General for the States of Andhra Pradesh and Telangana submitted that clause (e) covers two categories of properties viz., the properties in which Central and State Governments, Local Bodies, educational, cultural, religious and charitable institutions, have “avowed and accrued” interests and that such interest is likely to be adversely affected if the documents pertaining to such properties are registered, and the properties attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax laws and others in which they have avowed and accrued interest. None of the Advocates made submission in support of the contentions urged by Mr.Vedula Venkata Ramana.

29. Mr.C.V.Mohan Reddy, learned Senior Counsel, submitted that clause (e) includes lands contemplated by clauses (b) and (c). In other words, he submitted that a notification prohibiting registration of documents or classes of documents is necessary not only in cases of documents or classes of documents pertaining to properties covered by clause (e) but also in cases of documents or classes of documents covered by clauses (b) and (c) of sub-section (1) of Section 22-A of the Act. He, therefore, submitted that issuance of notification in respect of the properties covered by clauses (b) and (c) is also necessary. In short, he submitted a notification contemplated by sub-section (2) is required in respect of the properties covered by clauses (b), (c) and (e). Such interpretation of clause (e), he submitted, would further the intent of Legislature and mischief sought to be remedied is achieved. He then submitted that principles of natural justice will have to be read into sub-section (2) of Section 22-A of the Registration Act. He submitted that a citizen cannot be deprived of his right to property guaranteed under Article 300-A of the Constitution of India without following the principles of natural justice and having disregard to other laws relating to limitation and prescriptive rights of the citizens. He submitted that with a stroke of pen an Administrative Officer can

put an end to the property rights enjoyed by the citizen guaranteed under Article 300-A without assigning any reason what-so-ever. He submitted that sub-section (2) of Section 22-A contemplates an enquiry by the District Collector/Commissioner/Secretary/ competent authority before sending particulars of any property to the Government depriving a citizen of the property included in the list/notification.

29.1 Mr.C.V.Mohan Reddy further submitted that there are many instances where properties are mutated in the names of private parties and the names are entered in revenue records continuously for a long period; but, later, for some reason or the other, the names of private parties or their successors in interest are found missing from relevant columns in the revenue records; and in place of the name of pattedar or occupier, some dots (.....) are being noted. All such properties against which some dots (.....) are noted and against which blanks are kept in the Registers without entering name of any person are being claimed as properties owned by the8 State or the Central Governments ignoring the long possessory title of private parties. In many cases there are documents evidencing possession for over several statutory periods; and in certain other cases there were transfer of properties by successive sale deeds or other conveyances; but, still the properties are being claimed as Government properties or properties of Religious and Charitable Endowments or of Waqfs detrimental to the rights and interests of such private parties or citizens. After refusal to register documents pertaining to such properties, if eviction proceedings for summary eviction are initiated, under the provisions of the Land Encroachment Act, such private parties having established possessory title or ownership would be placed in a much worse position than an illegal occupier or encroacher of the land owned by the Governments. Therefore, in all classes of documents covered by clauses (b) and (c) a notification is necessary as contemplated by sub-section (2) of Section 22-A. Mr.Mohan Reddy, in support also drew our attention to the proforma of A-Register or Diaglote of Adavivaram village of Vizianagaram Estate and also the relevant proforma with columns for various entries in the re-survey and re-settlement Register (RSRs) of Potturu village of Guntur District and

Timmarajupeta village of Vizagpatnam District and the decision of this Court rendered by a learned Single Judge in **G.Satyanarayana v. Government of Andhra Pradesh and others**() wherein a contention on the same lines found favour with the learned Single Judge of this Court.

29.1.1 In ***G.Satyanarayana*** (supra), Mr.Mohan Reddy submitted that it was held that dots or blanks in pattedar column do not necessarily mean that the land is vested in the Government or it belongs to the Government and that despite such blanks or dots, a private person can claim ownership based on entries in revenue records prepared both prior to and after the commencement of 1971 Act. It is further contended that unless there is a notification, it is not possible for citizens to know the contents of list with details of prohibited properties available with the Registrars concerned and therefore, principles of natural justice would also mandate that even in cases falling under clauses (b) and (c) a notification as contemplated under clause (e) is necessary. **On the other hand,** the learned Advocates General of both the States contended that such a notification as contemplated under clause (e) is not necessary in cases of documents or classes of documents pertaining to the properties covered by clauses (b) and (c).

29.2 Mr.D.V.Sitharama Murthy, learned Senior Counsel, also submitted that issuance of notification in respect of all properties covered by clauses (a) to (e) is necessary. The revenue authorities, he submitted, cannot be allowed to evolve their own procedure in the matter of intimation to the Registration Department. The citizens have no way of knowing under what category as contained in clauses (a) to (e) of sub-section (1) of Section 22-A, would a piece of prohibited land falls. Unless notifications are issued by the Government and duly published in the Gazette in relation to all clauses mentioned in sub-section (1) of Section 22-A after framing detailed Rules, citizens would have no way even knowing that their properties have been subjected to application of Section 22-A. Therefore, he submitted, unless the requirement of notification, as provided for by the statute to be published in relation to clause (e), is interpreted to cover all the other clauses viz., (a) to (d), the very provision

would be rendered meaningless. In support, he further submitted that in the absence of notification it is also unclear as to under what category, cases of "dots in the RSR", "waster lands" and "other Government lands" fall and in the absence of requirement of a notification, in relation to these lands, the citizen would be deprived of the statutory benefit of having the anomaly rectified by resorting to the mechanism provided for under sub-section (4). Lastly, he submitted that in any case registration of a document *per se* would not create any new title and the same is governed by the principles enunciated by the maxim *"Nemo Dat Quad Non Habet"* i.e. no person can transfer a better title than what he possesses in the property so transferred. He then posed a question that where the State Government is really ostensible owner of a particular extent of land, would registration of any document to which only private individuals are party, take away the title of the State?. Answering the question in the negative, he submitted that there is no justification in resorting to the questionable methods, which would have counterproductive results and which only would result in harassment of citizens.

29.3 The submissions of learned senior counsel in respect of the procedure to be followed while forwarding the lists as prohibited properties, has already been dealt with by us in paragraphs 25 to 25.5 of the judgment.

30. The first incidental question is whether clause (e) of sub-section (1) of Section 22-A covers only the properties attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax Laws and others in which Central and State Governments, Local Bodies, educational, cultural, religious and charitable institutions have 'avowed' or 'accrued' interests? In this regard, it is to be noted that if by interpretation, the application is restricted only to the attached properties, then a large category of documents pertaining to the properties in which the 'Central Government', 'State Government', 'Local bodies', 'Educational, Cultural, Religious and Charitable Institutions' may have "avowed and accrued" interest will be left out and stand excluded from the purview of the provision of law for the reason that those properties are not under attachment. That does not appear to be the intention of the legislature. If such an interpretation is accepted the properties which are not covered by clauses (a)

to (d) and the properties not attached as stated in clause (e), still the properties in which either Central and State Governments or Local Bodies or educational, cultural, religious and charitable institutions have avowed and accrued interests will be left out or stand excluded and if documents in respect of such properties are registered, that would not only create problems/hurdles for the Government and other institutions but would also mislead innocent citizens, who may proceed to purchase such properties.

30.1 In this connection, we would like to further see the intendment of the legislation and the avowed objective with which this provision of law is enacted. There is no dispute with the settled proposition that Sections 49 and 17 of the Registration Act, which ordain compulsory registration of certain classes of documents, serve the purposes. The documents relating to any property if are to be indiscriminately allowed to be registered, the innocent citizens particularly illiterate citizens, middle class, lower middle class and employed sections of the society who are generally eager to purchase house sites and house properties would be let down as once a document is a registered document, the Registration provides information to people, who may deal with a property, as to the nature and extent of the rights which persons may have, affecting that property.

30.2 I n ***Suraj Lamp and Industries (P) Ltd. (supra)*** the Supreme Court observed that the amendments to stamp and registration laws do not address the larger issue of generation of black money and operation of land mafia and further emphasized the operations of land mafia in the major cities of the country. It is not out of place and it is not uncommon to notice that no vacant urban land is free from the threat of grabbing by unscrupulous grabbers operating in urban and semi urban areas. Citizens in the welfare state are not able to effectively protect their properties from grabbing and encroachments and are also not able to transact purchases of immovable property with any safety and security as there is no certainty as to whether the vendor has got marketable title in the plot of land whether laid out or not and being offered for sale. There are instances coming to the notice of the Courts whereby huge

junks of Government lands are being annexed to the adjacent private lands and are being laid out and sold deceiving gullible and innocent purchasers. The Government with its multifarious activities is not able to protect not only the properties owned by it particularly vacant lands but also the properties in which the Government is having avowed and accrued interest. Same is the case with local bodies and 'religious and charitable institutions' and wakfs. Land mafia and musclemen are dominating the real estate scene in various parts of the country and this ground reality has already come to the notice of the Supreme Court. Mafia leaders/Dons hoodwinking the Governments and local bodies and resorting to sheer abuse of process of law, is one of the trends of the recent past. The brazen violators of law who indulge in land mafia not only grab or encroach Government lands and other vacant public lands i.e., the lands in which the pubic interest is involved but also indulge in sale transactions involving innocent purchasers and plead for equities through them and achieve their ends most of the times due to inaction or connivance of the concerned, who are expected to protect the public interest. These are the bitter facts borne out by records in various decided cases. India is a vast country with diverse terrain and its estimated population is 1.28 billions by the year 2015. With the increase in population and industrialization, the land available for agriculture and for human inhabitation is becoming scarce day by day. The land values have increased multifold and still there is great demand for real estate. Therefore, the land mafia and some unscrupulous so called real estate dealers who have nothing to lose but everything to gain have entered the field of real estate and they are not only grabbing and encroaching into the private and public properties but are also executing registered documents affecting immovable properties of third parties, the State and Public Institutions and by such sale transactions the State and the innocent purchasers are being affected. Therefore, this kind of grabbing vacant lands of vast and small extents has now become a social evil.

30.3 In the present scenario, the Governments being unable to prevent indiscriminate sale of Government and public properties and other non-private properties have thought it fit to notify certain properties and put a prohibition of

registration of the documents pertaining to such properties in which the Governments are having 'avowed' or 'accrued' interest. The present provision of law seeks to remedy this great social evil and therefore, the provision should be given fair, pragmatic, commonsense and purposive interpretation so as to fulfil the object of the enactment. Therefore, in our well considered view, a restrictive meaning cannot be given to the clause by accepting the interpretation sought to be placed to mean that the clause covers only one class/category of property.

30.4 Further, the intendment of the legislation apart, a plain reading of the provision would show that if the legislature intended to cover only attached properties, the language of this provision could have been different and straight/plain to include only attached properties in which the Central and State Governments etc. are having avowed and accrued interest. But that is not the case here. In our considered view, the expression in clause (e) of
Section 22-A (1) 'and others which are likely to adversely affect these interests' make it manifest that the intendment was to cover two categories and not one category. When the provision of law is not happily worded, it has to be read without making any word redundant or superfluous. Therefore, the only view plausible is that the provision deals with two categories and not one. Moreover, clause (e) has to be read in the light of the scheme of Section 22A of the Registration Act and if we so read, we have no option but to hold that this clause covers two classes/categories of properties.

30.5 In our considered view, there is no rationale in the contention advanced by Mr.Mohan Reddy that for documents relating to properties covered by clauses (b) and (c) also, a notification as contemplated under clause (e) read with
sub-section (2) is necessary and that no such notification was necessary for clauses (a) and (d). As already noted,
clause (b) deals with properties owned by the State or Central Governments and in support of the claim of ownership, either the State Government or the Central Government would be having some record like revenue record having statutory force or some other valid document evidencing lawful ownership of the Governments. In the absence of any such record evidencing the

"ownership" of the property, such property would be out of the purview of clause (b). Similarly, if a property owned by Religious and Charitable Endowments does not find place in the prescribed Register and likewise, if a property falling under the Wakfs Act does not find a place in any official Gazette or the prescribed Register to be maintained under the Wakfs Act, such properties fall out of the purview of clause (c). Therefore, clauses (b) and (c) obviously deal respectively with (i) the properties owned by the State and Central Governments and (ii) the properties owned either by the Religious and Charitable Endowments falling under the Endowments Act or by the wakfs falling under the Wakfs Act. If the property is not covered by clauses (b) and (c) and still, a claim is made as the property of the Governments or of such Religious and Charitable Endowments or of Wakfs, then it would follow that the claim is only relatable to 'avowed' or 'accrued' interest and not ownership. Then only the documents or classes of documents pertaining to such properties specifically not covered by clauses (b) and (c) may come within the compass of the provision of clause (e) under which a notification is necessary. Therefore, the question of the documents relating to properties covered by clause (b) and (c) requiring notifications as contemplated under Section (e) does not arise for consideration. We hold that clauses (b), (c) and (e) operate in different fact situations and that the fields of operations of the three clauses are different and are well defined.

30.6 It is well settled that in any case registration of a document *per se* would not create any new title and same is governed by the principle enunciated by the maxim "*Nemo Dat Quad Non Habet*" i.e. no person can convey a better title than what he posses in the property so transferred. Adverting to the decision in **State of Rajasthan v. Padmavati Devi and others**[()], wherein it was held that summary procedure under Rajasthan Land Revenue Act, 1956 for eviction of unauthorised occupants of Government land cannot be invoked where person in occupation raises a bona fide dispute involving complicated questions of title and his right to remain in possession of the land and that in such cases, the proper course would be to have the matter adjudicated by ordinary civil courts of law. We may state that there is no dispute with the settled legal proposition laid down in this decision. But, we may only add that in any case where the

Government initiates summary eviction proceedings as per the provisions of any law like the Land Encroachment Act, after refusal of registration of a document on the ground that the property is included in the list of prohibited properties, then the person aggrieved always can place reliance on the ratio in the above cited decision and contend, if the facts so warrant, that in his case the summary procedure for eviction cannot be invoked and that the proper course would be to have the right, title and interest be adjudicated by ordinary civil court. Therefore, we hold that for any document or classes of documents relating to properties covered by clauses (b) and (c) notifications as contemplated under clause (e) are not required. Hence, the precedents relied upon by the learned counsel are not helpful and do not advance his contentions on this score.

31. Next, we would like to consider the question whether a notification contemplated by sub-section (2) of Section 22-A and its publication in the official gazette is necessary, giving full description of properties covered by all clauses or only clause (e) of sub-section (1) thereof. At the outset, we observe that no dispute is raised either by the learned Advocates General for the States of Andhra Pradesh and Telangana or by learned counsel for the respondents that a notification as contemplated by sub-section (2) and its publication in the Official Gazette is necessary in respect of the properties covered by clause (e) of sub-section (1) and if any property is notified in such notification the registering authority would be justified in refusing its registration. Learned Advocates General, as a matter of fact, conceded that it is not sufficient only to issue a notification, but it must be published in the official gazette and once that formality is complied, giving description of any property, the Registrar, under any circumstances cannot register the documents presented in respect of such property by any individual. The last submission of learned Advocates General has not been disputed before us by learned counsel for the respondents. Hence we have no hesitation in holding that the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by District Collector concerned in the manner prescribed, in respect of the properties covered by clause (e) of sub-section (1) of Section 22-A.

31.1 The question, however, is whether a notification is necessary in respect of the properties covered by
clauses (a) to (d) of sub-section (1) of Section 22-A of the Registration Act?

31.2 This question was considered in five of the six judgments referred to in paragraph 5 of this judgment. In the first judgment ***(T.Yedukondalu v. Principal Secretary to Government)***, the case of the State that there is no necessity to publish a notification in respect of the subject land under Section 22-A of the Registration Act as Section 22-A (1)(b) would have application and not section 22-A(1)(e) has been rejected. It was observed that if the contention urged on behalf of the State is accepted, it would render superfluous Section 22-A (1)(e) to the extent it speaks of prohibition of registration of documents pertaining to the lands in which State Government may have avowed or accrued interest and ultimately directed to register the document in accordance with the due procedure. The land involved in the said case, according to the State Government, is owned by them. Though, the learned Judge in this judgment has not stated in so many words that notification is necessary even if the properties covered by clause (b) of sub-section (1) of 22-A, the rejection of the case of the State that no such notification is necessary, perhaps, would amount to holding that notification is necessary even in case of property covered by clause (b) of sub-section (1). In the second judgment ***(Dr.Dinakar Mogili v. State of A.P. and others)***, the learned Judge has categorically held that issuance of notification is necessary only when the properties are covered by clause (e) of Section 22-A of the Registration Act. In the third judgment ***(Guntur City House Construction Cooperative Society Limited, Guntur, v. Tahasildar, Guntur)*** also the learned Judge held that notification is necessary if the properties are covered by clause (e) of sub-section (1) of Section 22-A. In the fourth judgment ***(Raavi Satish and Others v. State of A.P. and Others)***, learned Judge observed that in cases where notifications are issued in sub-section (1) of Section 22-A of the Act prohibiting registration of the document pertaining to the properties falling under clauses (e) of sub-section (1), registering officer shall make an endorsement while refusing to receive the document specifying the reasons for such refusal. In the fifth judgment ***(Vinjamuri Rajagopala Chary v. Government of A.P. and Others)*** the

question ‘whether notification is necessary or not’ did not fall for consideration and hence there is no observation or finding recorded in the said judgment on the question. In the sixth judgment ***(C.Radhakrishnama Naidu and Ors. v. The Government of A.P. and Ors)***, the learned Judge has specifically observed that notification is not required for the prohibition contemplated under clauses (a) to (d) of sub-section (1) of Section 22-A and it is required only when the property is covered by clause (e) of sub-section (1) of Section 22-A.

31.3 At the out set, we are in agreement with the view that notification is necessary only if the properties are covered by clause (e) of sub-section (1) of Section 22-A. In other words, issuance/publication of notification as contemplated under sub-section (2) of Section 22-A is not necessary if the properties are covered by clauses (a) to (d) of sub-section (1). Perusal of sub-section (2) of Section 22-A would show that the State Government shall publish a notification after obtaining reasons for and full description of the properties furnished by the District Collectors in the manner as may be prescribed. Plain reading of this provision would further show that District Collectors are obliged to forward reasons for and full description of the properties to be notified for the purpose of clause (e) of sub-section (1). It is not an empty formality. The District Collectors are expected to state the reasons and also furnish full description of properties for issuance of notification and its publication in the official gazette. This exercise is necessary since the Central and the State Government and the other institutions, as mentioned in clause (e), though cannot claim ownership but have an avowed and accrued interest and since such interest is likely to be adversely effected if the document is registered. Such is not the case in case of properties covered by clauses (a) to (d) where the transactions are prohibited either under any statute or the properties are owned by the State or Central Governments or religious and charitable endowments falling under the purview of Endowments Act or by the Wakf Act or declared as surplus under the provisions of the Ceiling Act. The ownership as well as statutory prohibition or declaration as surplus lands cannot be disputed and, therefore, the legislature in its wisdom did not provide for issuance of notification in respect of the properties covered by clauses (a) to

(d) in sub-section (2) of Section 22-A. We will further deal with this aspect while dealing with the next incidental question.

31.4 Taking up the contention that unless prohibited properties are notified as contemplated under clause (e) read with sub-section (2), it is not possible for the citizens to know whether or not registration of a particular property is prohibited and that principles of natural justice mandate that such notification is necessary even in cases of classes of documents falling within the ambit of the provisions of clauses (b) and (c), we may state that there is no acceptable merit in this contention for the reason that the Government department headed by Inspector General of Registration & Stamps is maintaining a website with necessary and complete information wherein the list of prohibited properties under clauses (a) to (d) of sub-section (1) of Section 22 are made available. Placing such information on website is also provided for in the guidelines. Further, whenever any citizen would approach the Registrar concerned with an application to find out whether any property is included in such lists, the Registrars concerned are not only expected but must provide information as may be required by the parties concerned so as to enable them to proceed to enter into a transaction of sale, conveyance, gift etc. or to take appropriate steps for its deletion from the list. Having browsed and verified the website of the Governments, viz., '***igrs.ap.gov.in***' of the State of Andhra Pradesh and '***registration.telangana.gov.in***' of the State of Telangana, we find that the respective websites of the Governments provide all and necessary information and therefore, it cannot be said that the citizens have no access to the lists containing prohibited properties available with the Registrars concerned and hence, there is sufficient compliance of principles of natural justice.

32. Next, we would like to consider whether principles of natural justice can be read into sub-section (2) of Section 22A to mean that while incorporating or mentioning any property, covered by clause (e) of sub-section (1), in the notification contemplated by sub-section (2), affording opportunity of being heard to a person who claims right and interest in such property.

32.1 Mr.C.V.Mohan Reddy, learned Senior Counsel, in support of his contention that the principles of natural justice need to be read into sub-section (2) of Section 22-A of the Registration Act, relied upon the following judgments of the Supreme Court: ***Government of Andhra Pradesh v. Thummala Krishna Rao and another*** [()]***; Mandal Revenue Officer v. Goundla Venkaiah and another*** [()]; ***G.Manikyamma v. Roudri Co-operative Housing Society Limited*** [()]; ***Automotive Tyre Manufactures Association v. Designated Authority and Others*** [()]; and ***State of Rajasthan v. Padmavati Devi and Others*** [()].

32.2 We have perused all five judgments and in our opinion these judgments have no application to the facts of the present case in the light of the scheme of Section 22-A which has inbuilt mechanism for redressal of grievance in case of inclusion of any property covered by clause (e) of sub-section (1) of Section 22-A seeking its deletion.

32.3 In ***Thummala Krishna Rao(supra)*** the Supreme Court observed that if there is a *bona fide* dispute regarding the title of the Government to any property, the Government cannot take a unilateral decision in its own favour that the property belongs to it, and on the basis of such decision take recourse to the summary remedy provided by Section 6 of A.P. Land encroachment Act, 1905, for evicting the person who is in possession of the property under a *bona fide* claim or title. In our case, while incorporating any property covered by clause (e), the Government indicates its claim and/or avowed or accrued interest in the property leaving it open to the person aggrieved to make an application for its deletion under
sub-section (4) of Section 22-A. Apart from this, it is always open to the aggrieved party to file appropriate proceedings including civil suit for seeking deletion of property from the list of properties covered by clause (e). In our opinion, this judgment is of no avail to unofficial parties in this group of appeals/petitions.

32.4 Similarly, even ***Mandal Revenue Officer*** and ***G.Manikyamma*** (supra) for

self-same reasons would not help to support the contention advanced by Mr.C.V.Mohan Reddy, learned Senior Counsel. In this judgment the Supreme Court placed reliance upon its judgment in ***Thummala Krishna Rao*** (supra).

32.5 In ***Automotive Tyre Manufactures Association*** (supra) the Supreme Court reiterated the well settled principle of law that unless a statutory provision, either specifically or by necessary implication, excludes the application of principles of natural justice, because in that event the Court would not ignore the legislative mandate, the requirement of giving reasonable opportunity of being heard before an order is made, is generally read into the provisions of a statute, particularly when the order has adverse civil consequences which obviously cover infraction of property, personal rights and material deprivations for the party affected. The principle holds good irrespective of whether the power conferred on a statutory body or Tribunal is administrative or quasi-judicial. It is equally trite that the concept of natural justice can neither be put in a strait-jacket nor is it a general rule of universal application.

32.6 Having regard to the principles culled out in the judgments of the Supreme Court, in our firm and considered opinion, sub-section (2) of Section 22-A does not contemplate such hearing and it is clear from the scheme of Section 22-A, in particular sub-section (4) thereof. Sub-section (4) provides for an effective mechanism/remedy to a person aggrieved by the notification prohibiting registration of a document to either complain to the State Government or to make an application to de-notify, either in full or in part the notification issued under sub-section (2). When the Government is satisfied that a property is wrongly notified it may either *suo motu* or on an application by any person de-notify either in full or in part the notification issued under sub-section (2). This clearly indicates that if a property is incorporated or mentioned in the notification and if any person is aggrieved thereby, he has a remedy to approach the State Government challenging inclusion of his property and if he satisfies concerned authority of the State Government, it may proceed to de-notify either in full or in part the notification issued under sub-section (2). So far as sub-section (3) of Section 22-A is concerned, it provides that

notwithstanding anything contained in the Registration Act, the registering officer has power to refuse registration of a document to which a notification is issued under
clause (e) of sub-section (1). Thus, it is clear that while issuing/publishing a notification, hearing is not contemplated under sub-section (2) of Section 22-A since sub-section (4) of Section 22-A provides a remedy to an aggrieved party to approach the State Government for deletion of his property from the notification. It is needless to mention that if an application, as contemplated by sub-section (4) of
Section 22-A, is made by any person the concerned authority is expected to grant an opportunity of being heard and also to produce the materials/documents in support of his claim and that the concerned authority shall deal with the
application and the prayer made therein in the light of the material/documents produced by him and to pass a speaking order either rejecting the application or allowing the same by deleting his property from the notification.

32.7 We, however, observe that if a person feeling aggrieved of the inclusion of his property covered by clause (e) approaches the concerned authority under sub-section (4) of Section 22-A, the concerned authority must deal with his application and decide the same as expeditiously as possible and preferably within a period of three months from the date of making such application.

32.8 The mechanism provided under sub-section (4) of Section 22-A, however, shall not preclude the parties to file any other appropriate proceedings including civil suit for similar or appropriate relief.

32.9 At this stage, we would like to deal with the aspects of indiscriminate implementation of this clause, misuse of this clause and violation of principles of natural justice while including certain properties as falling under this clause, we need to examine the provisions contained in

sub-sections (2) to (4) of Section 22-A with the notification part. Insofar as principles of natural justice are concerned, though we have already dealt with the same, we would like to have further look at it to support and **ratify** our view. At the cost of repetition, we reproduce sub-sections (2) to (4), which read thus:

> (2) For the purpose of Clause (e) of Sub-section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed.
>
> (3) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under Clause (e) of Sub-section (1).
>
> (4) The State Government either suo motu or on an application by any person or for giving effect to the final orders of the High Court of Andhra Pradesh or Supreme Court of India may proceed to denotify, either in full or in part, the notification issued under Sub-section (2).

32.10 For any document or classes of documents pertaining to properties to be covered by this clause, the Government or others mentioned in the clause shall have 'avowed' or 'accrued' interests, which are likely to be affected if those documents or classes of documents are allowed to be registered. Under sub-section (2), the State Government shall publish a notification after obtaining reasons for and full description of the properties by the District Collectors concerned in the prescribed manner. Therefore, before issuing a notification as required under sub-section (2) supra, the Government shall obtain reasons for and full description of properties. For obtaining these reasons, the Government has thought it fit to issue the following notification:

> "NOTIFICATION
>
> Furnishing the Reasons and Description of Properties Prohibited from Registration
>
> *[G.O.Ms.No.1248, Revenue (Reg-I), dated 26-9-2007]*
>
> In exercise of the powers conferred by sub-section (2) of Section22-A of the Registration Act, 1908, (Act 16 of 1908) as amended by Andhra Pradesh Act 19 of 2007, the Governor of Andhra Pradesh hereby prescribed the following procedure for furnishing the reasons and description of property, for the purpose of clause (e) of

sub-section (1) of Section 22-A of the said Act, 1908:

> (1) The District Collectors may send proposals to the State Government for issuing a notification after satisfying themselves that the property or the lists of properties fall(s) within the categories specified in clause (e) of sub-section (1) of Section 22-A of the Registration Act, 1908.
>
> (2) The proposal of the District Collector shall contain the reasons for recommending prohibition of registration against each property."

32.11 Therefore, this notification which provides guidelines to the District Collectors for furnishing reasons and description of property prohibited from registration takes adequate care to prevent abuse and misuse of clause (e) of sub-section 22(A)(1) of the Registration Act. Hence, the apprehensions expressed before us are misplaced and do not need countenance. Further, the notification either in part or full is always subject to the Judicial Review. Therefore, in view of the adequate safety measures provided under Section 22A, in particular sub-sections (2) and (4) thereof insofar as clause (e) of sub-section (1) is concerned and the guidelines insofar as clauses (a) to (d) are concerned, in our opinion, any such misuse or abuse is subject to review by the Government and also judicial review and therefore, there is no possibility for any misuse or abuse and any such acts of misuse and/or abuse are amenable for correction.

32.12 We would once again make it clear that the views of the learned Judges in six judgments mentioned above are already subjected to different appeals before the Division Bench. Hence, we are not dealing with said appeals on merits and the present reference is confined only to the principal and incidental questions formulated by us. We leave it open for the Division Bench, as and when the writ appeals are heard against said judgments, to either decide on merits each of the said appeals or to pass appropriate orders. During the course of this judgment, wherever we made a reference to the views already expressed by learned Judges in the aforesaid judgments that is only to be treated as a *prima facie* opinion and only for the purpose of answering the principal and incidental questions formulated by us.

33. Now, the next question is what are the properties which fall within the ambit of and which can be brought under the sweep of clause (e) of sub-section (1) of Section 22-A. The learned Senior Counsel for the parties argued that this clause of the Section is very vague in its ambit and under the guise of this clause many documents dealing with immovable properties which are presented for registration are not being registered and that this clause is being put to misuse for various reasons and it does not deal admittedly with the properties which are owned by the Governments etc. and that the words 'avowed' or 'accrued' have no definitive meanings and in view of the different shades of meanings which can be assigned to these words, there is no clarity and that there is a lot of ambiguity and that the provision which was enacted without defining the said two words is unenforceable. On the other hand, the learned Advocate Generals argued that this clause covers not the properties owned but the properties in which the State and others mentioned in the clause are having 'avowed' or 'accrued' interest.

33.1 In the first place, there is no dispute with the proposition that this clause does not deal with properties owned by the State and others mentioned in the clause, but, only deals with such properties in which the Governments and others mentioned in the clause are having 'avowed' or 'accrued' interest. Therefore, it is necessary to ascertain/find out the meaning of the words 'avowed' and 'accrued' in the provision of law keeping in view the context of the matter. Insofar as meanings of words are concerned, what we have to take note is that each word has different shades of meaning and that the common place words are susceptible for more than one meaning. Technical words have technical meanings. Legal words have legal meanings. Words, some times, are special being *statute specific*. A meaning of the word some times may change by reason of the other words it keeps company with. Therefore, words are often given meaning with reference to the context and it is also settled law that textual interpretation must match contextual interpretation.

33.2 In the sixth judgment (***C.Radhakrishnama Naidu and Ors v. The***

Government of A.P. and Ors.), the meanings of these words are dealt with, in detail. References were made to dictionary meanings during the course of the submissions. It is apt to say that these words cannot be interpreted to mean 'owned' because the other clauses of the sub-section deal with the properties which are owned. The words 'avowed' or 'accrued' were used therefore, in a distinct sense to indicate that this instant clause is not intended to deal with the 'properties owned'.

33.3 The word "Accrue" has been descried in Encyclopedic, Law Lexicon by Justice C.K.Thakker, former Judge, Supreme Court of India, to mean, "to arise or spring as a natural growth or result". According to the Words and Phrase, page 594, "Accrue" means "coming as a natural accession or result; arising in due course". It is further stated that a right is said to accrue when it vests in a person without his active intervention. The fact of a right accruing is called "accrual". It means to arise, to happen, to come into force or existence, to vest. The growth of the right is gradual as the word "accrue" usually connotes.

33.3.1 In Stroud's Judicial Dictionary of Words and Phrases, Seventh Edition "Daniel Greenber", Volume 1: A-E described the word "Accrued" as under:-

> " 'Accrued' suggests that the interest arises by way of an accession to or an advantage bestowed upon some other person" (per Starke J.n in Trustees Executors & Agency Co Ltd v Federal Commissioners of Taxation, 69 C.L.R 270 at 287)."

33.3.2 P.Ramanatha Aiyar's Advanced Law Lexicon, Volume 1 A-C, Reprint 2007, described the word "Accrue" as under:-

> "To come into existence as an enforceable claim or right; to arise (the plaintiff's cause of action for silicosis did not accrue until the plaintiff knew or had reason to know of the disease). 2. To accumulate periodically (the savings account interest accrues monthly) *(Black, 7th Edn., 1999)*

33.3.3 The word "avow" is described in Corpus Juris, Volume VI (6.C.J.875) to mean "to acknowledge and justify an act done; to make an avowry". The Oxford

English Dictionary, Volume 1, Second Edition, Clarendon Press, Oxford described the word “Avowed” to mean “Self-acknowledged, declare by himself.” Black’s Law Dictionary, Eighth Edition, described the word “Avowal” to mean an open declaration or offer of proof.

33.3.4 It is, thus, clear that there is a clear distinction between the word “owned” employed in clauses (b) & (c) of sub-section (1) of Section 22-A and the expressions “Avowed and Accrued” used in clause (e) thereof. Having regard to the scheme of Section 22-A, the word “owned” occurred in clauses (b) & (c), in our opinion, in short means “assertion of right, title and interest in the property”; whereas the expression “Avowed” and “Accrued” employed in clause (e) means only claiming “interest” in the property.

33.3.5 Thus, in our view, the following meanings can be assigned to the two vitally important words in the provision:

Avowed: The interest that has been asserted or stated publicly. The interest that has been openly declared or publicly acknowledged.

Accrued: An interest that accumulated over a period of time.

33.4 Further, from the illustrations, which are advanced during the course of submissions, we would like to mention a few to indicate the documents or classes of documents pertaining to the properties, which can be said to be indisputably covered by the provision by virtue of the words ‘avowed’ or ‘accrued’.

Illustration I: A particular land is an assigned land. The assignee was granted a patta with a rider or a clause prohibiting alienation. However, the said assignee had alienated the property to B under a registered sale deed. A obtains a decree against B for recovery of money and files an execution petition for attachment and sale of that property of B, which is an assigned land and which the assignee had no right to alienate to B. If this property is sold in a court auction sale,

an innocent purchaser would purchase, but would later realize that it is an assigned land and is prohibited from alienation. Thus, this is a property in which the Government has an 'avowed' interest as the Government can at any time resume the assigned land for violating the conditions of the patta granted to the original assignee and may either retain possession of it or may re-assign it to some other eligible landless poor person. Therefore, the Government can notify this property under this clause and prohibit registration of documents pertaining to this property to protect the interests of the State as well as the innocent purchasers.

Illustration II: There are surplus lands, which are declared surplus under the Ceiling Laws. In some cases, surplus lands are surrendered and taken possession by the Government. In certain other cases, the surplus lands are yet to be taken possession due to some litigation still pending between the parties concerned with the lands and the machinery of the State. If the Government ultimately succeeds, the Government will take possession of those surplus lands. In the meanwhile, the properties should be protected from alienation as any sales would affect the interests of the innocent purchasers as the purchasers might not be knowing about the pending litigations. In case of such surplus lands, where the ownership of the Government has not become final, the Government has still got 'avowed' or 'accrued' interest in those lands.

Illustration III: An employee of the Government amassed wealth by misusing his official position and by corrupt means and is facing charges of acquiring assets disproportionate to his known sources of income. The criminal case under the applicable Penal or Special Law has not attained finality. In case of successful proof of charges against such accused-Government employee, the Government may proceed to confiscate the ill-gotten properties. Till the confiscation proceedings and the criminal proceedings reach a finality, the Government cannot claim ownership of the properties. However, during the pendency of the proceedings, the Government has an 'avowed' or 'accrued' interest in those properties.

Illustration IV: On a property, there are huge arrears of tax, which are due to the local body. Under the Municipal Law, there is a charge on the property for the taxes due. The local body can at any time bring the property to sale for realization of the tax

dues. If that property is sold by the owner without paying the tax dues, the same being a charge on the property, the innocent purchaser would become liable to pay the taxes which are huge and such situation would be detrimental to his interests. In such property, it can be said that the local body has got 'accrued' interest so long as the tax dues remain unpaid.

33.5 We need not multiply the illustrations. Many such situations can be visualised wherein the Government or the other institution mentioned in clause (e) can be said to be having 'avowed' or 'accrued' interest in certain immovable properties. Therefore, the meanings ascertained and assigned supra to the words 'avowed' or 'accrued' interest subject to contextual variations in a given set of facts of a particular case, in our well considered view, would meet the ends of justice.

33.6 Coming to the last question, whether the notification that the Government is required to issue under sub-section (2) requires to be published in the official Gazette. Though the proposition is not in dispute, we would like to express our opinion, to avoid any controversy in future. It is true that the provision of law is silent in regard to the nature of the notification. The provision does not specifically say that the notification should be published in the official gazette.

34. It is, therefore, necessary to refer to the relevant provision of the appropriate Section of the ANDHRA PRADESH GENERAL CLAUSES ACT, 1891 (for short 'the said Act'). Section 21 of the said Act which deals with **'Publication of orders and notifications in the Official Gazette'** reads as under:

> "Where in any Act, or in any rule passed under any Act, it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the Act otherwise provides, be deemed to be duly made if it is published in the *Official Gazette."

Therefore, the above provision of law reinforces our view that the notification

contemplated under sub-section (2) of the Act shall only be construed as a notification published in the official Gazette of the Government.

34.1 In summation of our views on this clause, we may state that this clause (e) of sub-section 22-A (1) of Registration Act deals with two categories of documents and it applies to the documents or classes of documents pertaining to properties in which the Government and others, as mentioned in the clause, have 'avowed' or 'accrued' interest and which are notified in the official Gazette of the Government.

34.2 In this context it is also necessary to note that learned Advocate General for the State of Andhra Pradesh and learned Additional Advocate General for the State of Telangana, in fact, conceded during the hearing that it is not mere notification but it is publication that is necessary and as per Section 21 of the said Act such publication is required to be published in official gazette.

35. Thus, we give a brief overview of clause (e) of Section 22-A (1). This clause is distinct and is appropriately understood if we notice the words employed in clause (b) viz., immovable property owned by the State or Central Government. Thus, while clause (b) prohibits registration of property owned by the State of Central Government, clause (e) prohibits registration of such properties in which the State or Central Government, Local Bodies including Religious, Charitable Institutions claim 'avowed' or 'accrued' interest. The aforesaid clause, therefore, clearly does not envisage that such properties are not undisputedly owned by the Governments either State or Central or the Local Bodies or Charitable Institutions, etc. Obviously, insofar as properties owned by the State or Central Government or belonging to Religious, Charitable Institutions or Wakf are separately dealt with under clause (b) and (c) above. So also, the properties vested in the State under A.P. Land Reforms (Ceiling on Agricultural Holding) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976 are covered by clause (d). Hence, other than such properties, the properties in which the State Government, Educational Institutions or Religious or Charitable Institutions, etc., claim any interest, the same are covered by clause (e) provided ofcourse a notification expressing the same be published in

the official gazette. It is also clear that such avowed or accrued interest is in the nature of a claim and it is open for the parties to dispute such claim and that by itself being a claim is subject to appropriate adjudication. In a given case, therefore, such claimed interest may be contested by third parties and is not an established ownership of State Government or such Local Bodies as envisaged under said clause. The prohibition envisaged by way of a notification under clause (e), however, itself provided for a safeguard under Section 22 (4) of the Act where a party can successfully establish its title as against the avowed or accrued interest professed by the State or Local Bodies and seek modification or deletion of relevant entry from the notification. Sub-Section (4) therefore provides a mechanism where the entries relating to a property may be contested and shown to be incorrect and is required to be deleted. We have already elaborated on the said mechanism provided under Section 22-A(4) and suffice it to state that such adjudication under sub-Section (4) thereof cannot by itself be treated as final and would be subject to appropriate proceedings before competent Courts. In our view, therefore, clause (e) would be attracted wherever Government or Local Bodies, etc. claim an interest in the property and seeks prohibition to register the same. The cases where entries in the RSR are covered by dots, in our view, would fall under this clause and inclusion of any such properties under prohibited category by way of a notification under clause (e) is published, the registering authority is duty bound to deny registration. The aggrieved party, in such situation, will have an option to avail the mechanism provided under sub-section (4) of Section 22-A and if not satisfied to initiate such appropriate legal proceedings for vindication of its rights. The cases relating to properties not covered by respective notifications under A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 or the Wakf Act, 1995 would also fall under the purview of clause (e) if notified accordingly and shall also be subject to redressal of grievance under Section 22-A (4) or by the appropriate remedies available under law.

35.1 Further, as noticed earlier the State Government is empowered either *suo motu* or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and is

also empowered to de-notify either in full or in part the notification issued under sub-section (2). In our opinion, the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A. Hence, any grievance of the parties with reference to the properties covered by
clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final. Further, so far as notified properties falling under clause (e) are concerned, the redressal mechanism under sub-section (4) of Section 22-A would be able to effectively address the grievance provided the mechanism thereunder is effective, expeditious, fair, and judicious. Thus, in order to make an effective redressal mechanism, we deem it appropriate to direct the respective Governments of both the States to constitute a Committee or establish a Forum within time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of a District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications. The Committee shall be empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by either confirming/deleting/modifying any such property from the notified list of properties. In our view, such orders passed by the Committee shall be binding on the State as well as on the aggrieved person and in the event of any of them being aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance.

36. We, thus, summarize our conclusions and issue directions as follows:-

i. The authorities mentioned in the guidelines, which are obliged to prepare lists of properties covered by clauses (a) to (d), to be sent to the registering authorities under the provisions of Registration Act, shall clearly indicate the relevant clause under which each property is classified.

ii. Insofar as clause (a) is concerned, the concerned District Collectors shall also indicate the statute under which a transaction and its registration is prohibited. Further in respect of the properties covered under clause (b), they shall clearly indicate which of the Governments own the

property.

iii. Insofar as paragraphs (3) and (4) in the Guidelines, covering properties under clause (c) and (d) are concerned, the authorities contemplated therein shall also forward to the registering authorities, along with lists, the extracts of registers/gazette if the property is covered by either endowment or wakf, and declarations/orders made under the provisions of Ceiling Acts if the property is covered under clause (d).

iv. The authorities forwarding the lists of properties/lands to the registering authority shall also upload the same to the website of
both the Governments, namely ***igrs.ap.gov.in*** of the State of Andhra Pradesh and ***registration.telangana.gov.in*** of the State of Telangana. If there is any change in the website, the State Governments shall indicate the same to all concerned, may be by issuing a press note or an advertisement in prominent daily news papers.

v. No notification, contemplated by sub-section (2) of Section 22A, is necessary with respect to the properties falling under clauses (a) to (d) of
sub-section (1) of Section 22-A.

vi. The properties covered under clause (e) of
Section 22-A shall be notified in the official gazette of the State Governments and shall be forwarded, along with the list of properties, and a copy of the relevant notification/gazette, to the concerned registering authorities under the provisions of Registration Act and shall also place the said notification/gazette on the aforementioned websites of both the State Governments. The Registering authorities shall make available a copy of the Notification/Gazette on an application made by an aggrieved party.

vii. The registering authorities would be justified in refusing registration of documents in respect of the properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A provided the authorities contemplated under the guidelines, as aforementioned, have communicated the lists of properties prohibited under these clauses.

viii. The concerned authorities, which are obliged to furnish the lists of properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A, and the concerned Registering Officers shall follow the guidelines scrupulously.

ix. It is open to the parties to a document, if the relevant property/land finds place in the list of properties covered by clauses (a) to (d) of
sub-section (1) of Section 22-A, to apply for its deletion from the list or modification thereof, to the concerned authorities as provided for in the guidelines. The concerned authorities are obliged to consider the request in proper perspective and pass appropriate order within six weeks from the date of receipt of the application and make its copy available to the concerned party.

x. The redressal mechanism under Section 22-A(4) shall be before the Committees to be constituted by respective State Governments as directed in paragraph-35.1 above. The State Governments shall constitute such committees within eight weeks from the date of pronouncement of this judgment.

xi. Apart from the redressal mechanism, it is also open to an aggrieved person to approach appropriate forum including Civil Court for either seeking appropriate declaration or deletion of his property/land from the list of prohibited properties or for any other appropriate relief.

xii. The directions issued by learned single Judges in six judgments referred to above or any other judgments dealing with the provisions of Section 22-A, if are inconsistent with the observations made or directions issued in this judgment,

it is made clear that the observations made and directions issued in this judgment shall prevail and would be binding on the parties including the registering authorities under the Registration Act or Government officials or the officials under the Endowments Act, Wakf Act and Ceiling Acts.

xiii. If the party concerned seeks extracts of the list/register/gazette of properties covered by clauses (a) to (e) of Section 22-A (1), received by the registering officer on the basis of which he refused registration, it shall be furnished within 10 days from the date of an application made by the aggrieved party.

xiv. Registering officer shall not act and refuse registration of a document in respect of any property furnished to him directly by any authority/officer other than the officers/authori-ties mentioned in the Guidelines.

xv. Mere registration of a document shall not confer title on the vendee/alienee, if the property is otherwise covered by clauses (a) to (e), but did not find place in the lists furnished by the concerned authorities to the registering officers. In such cases, the only remedy available to the authorities under clauses (a) to (e) of sub-section (1) of Section 22-A is to approach appropriate forums for appropriate relief.

37. As the updating and revision of lists and of the websites of the Governments, in the light of this judgment, would require some time, we direct the Governments of the States of Andhra Pradesh and Telangana and the other concerned authorities to complete the necessary exercise in that regard within four months from the date of pronouncement of this judgment. Learned counsel for the appellants/Government Authorities and other concerned authorities are directed to communicate this judgment to all concerned within four weeks from today.

38. Before we part, we would like to place on record a word of appreciation for

the assistance rendered by Mr.D.V.Seetharam Murthy, learned Senior Counsel as *Amicus Curiae*.

39. The Registry is directed to send copies of this judgment to all the authorities mentioned in the judgment, in particular, the guidelines for their information and effective implementation forthwith. A copy of this judgment is also directed to be forwarded to the Principal Secretary/Director as mentioned in paragraph 35.1 of this judgment for constitution of the Committee as per direction issued in the judgment.

40. Since the reference is now answered, we direct the Registry to take appropriate steps to list all the Writ Petitions and Writ Appeals before the appropriate Court/s for disposal in accordance with the procedure established by law.

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Dilip B.Bhosale, ACJ

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Vilas V.Afzulpurkar, J

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M.Seetharama Murti, J

23rd December, 2015.

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